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THE FEDERAL REGISTER WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
 2. The relationship between the Federal Register and Code of Federal Regulations.
 3. The important elements of typical Federal Register documents.
 4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

SAN FRANCISCO, CA

- WHEN:** November 29; at 9:00 a.m.
- WHERE:** Room 15138,
450 Golden Gate Avenue,
San Francisco, CA.
- RESERVATIONS:** Call Mary Walters at the San Francisco Federal Information Center, 415-556-6600.

SEATTLE, WA

- WHEN:** November 30; at 1:00 p.m.
- WHERE:** South Auditorium, 4th Floor,
915 2nd Avenue,
Seattle, WA.
- RESERVATIONS:** Call Carmen Meler or Peggy Groff at the Portland Federal Information Center on the following numbers:
Seattle: 206-442-0570,
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WASHINGTON, DC

- WHEN:** December 7, at 9:00 a.m.
- WHERE:** Office of the Federal Register,
First Floor Conference Room,
1100 L Street NW., Washington, DC.
- RESERVATIONS:** 202-523-5240.

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Proclamation 6067 of November 14, 1989

The President

American Education Week, 1989

By the President of the United States of America

A Proclamation

Education is a lifelong process of growth and discovery that, for each child, begins within the inimitable shelter of the family and extends through years of schooling and experience. During American Education Week, we pause to reflect upon the importance of a strong educational system to our well-being as individuals and as a Nation.

America's schools play an important role in nurturing our children's intellectual and social development. By helping their students grow in knowledge, skill, and reasoning ability, teachers not only open the doors of opportunity for them, but also help them to become responsible, productive citizens. Giving young people a greater understanding of our Nation's history and preparing them to exercise their rights and responsibilities as citizens, America's schools help strengthen our system of self-government.

Our Nation's Founding Fathers clearly understood the vital connection between liberty and learning. They knew that only an educated and informed public can keep a free and democratic government. Like Thomas Jefferson, James Madison, our fourth President, was a strong advocate of public education. "Knowledge will forever govern ignorance," he once wrote, "and a people who mean to be their own Governors, must arm themselves with the power which knowledge gives."

Two hundred years after our Nation's founding, we can be grateful for the dedication to learning that is so deeply ingrained in American tradition. However, standing on the threshold of the 21st century also compels us to examine the state of American education and consider what it holds for our future. A good education is a lasting treasure in its own right, but is also essential to keeping the United States strong and prosperous in an increasingly competitive world.

In September, I met with the Nation's Governors in an historic Summit to discuss the challenges facing us in working toward excellence in education. The President's Education Summit with the Governors brought forth unanimous agreement on the significance of this issue to the future of the Nation and to the quality of life for every American. We will build upon the vision of our Founding Fathers in establishing national education goals and in mobilizing a state-by-state effort to restructure our educational system.

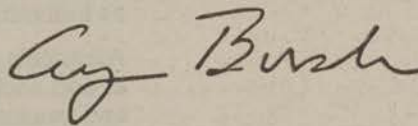
Improving our Nation's education system is not a job for its chief executives alone, however. The challenge and responsibility for the Nation's future must be met by each citizen in every walk of life. It will require the sustained involvement of parents, teachers, local school administrators, business leaders, elected officials, and the public at large. It will require recognizing the value of lifelong learning, raising our expectations, holding ourselves accountable for results, and never settling for the minimum. Every American can help ensure that young people receive the quality education they need and deserve. We can do so by participating in parent-teacher organizations; by serving on our local school boards; and by supporting private institutions, adult education, and literacy programs. We can also lend our support to our local libraries

and museums, and encourage our children to take advantage of these valuable educational resources.

This year, as we observe American Education Week and reflect upon its theme, "Learning and Liberty: Our Roots, Our Future," let us renew our determination to improve America's educational system. Strengthening our schools is one of the greatest investments we can make in our Nation's future.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week beginning November 12, 1989, as American Education Week. I urge all Americans to observe this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 89-27138

Filed 11-14-89; 4:25 pm]

Billing code 3195-01-M

Editorial note: For the President's remarks of Nov. 14 on signing Proclamation 6067, see the *Weekly Compilation of Presidential Documents* (vol. 25, no. 46).

Rules and Regulations

Federal Register

Vol. 54, No. 220

Thursday, November 16, 1989

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1478

1989 Tree Assistance Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises 7 CFR part 1478 to set forth the regulations for the 1989 Tree Assistance Program (1989 TAP) authorized by the Disaster Assistance Act of 1989 (Pub. L. 101-82). These regulations provide the criteria to be used in making assistance available to eligible producers for certain 1989 tree or tree seedling losses. The Commodity Credit Corporation (CCC) will: (1) Reimburse eligible persons for part of the eligible costs of planting seedlings to offset losses of trees planted in any year that were planted to produce annual crops for commercial purposes and were lost due to freeze or related condition in 1989; and, (2) reimburse eligible persons for part of the eligible costs of replanting seedlings planted in 1988 or 1989 that were planted to produce trees to be harvested for commercial purposes and were lost due to drought or related condition in 1989. 1989 TAP payments may cover 65 percent of the eligible costs of planting that portion of the eligible loss which, after adjustment for normal mortality, exceeds a 45 percent loss as determined under these regulations. The regulations set forth standards for determining losses and payments. In addition, the regulations set forth applicable payment limitations and other program provisions. 1989 TAP assistance, generally, will be available only for approved costs incurred after the application for assistance is approved.

EFFECTIVE DATE: November 16, 1989.

FOR FURTHER INFORMATION CONTACT: James R. McMullen, Director, Conservation and Environmental Protection Division, ASCS, P.O. Box 2415, Washington, DC 20013 (Tel. (202) 447-6221).

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been classified as "not major." The provisions of this notice will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographic regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant adverse impact on the quality of the human environment.

Therefore, neither an environmental assessment nor an environmental impact statement is needed. Copies of the environmental evaluation are available upon written request. The titles and numbers of the Federal Assistance Program to which this rule applies are: Title: Tree Assistance Program; Number 10.TAP, as found in the catalog of Federal Domestic Assistance.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Subtitle B of Title I of the Disaster Assistance Act of 1989 (Pub. L. 100-82) ("the 1989 Act") provides that, subject to certain limitations, the Secretary of Agriculture shall make assistance

available to eligible orchardists who planted trees for commercial purposes but lost such trees as a result of freeze or related condition in 1989, as determined by the Secretary. To be an eligible orchardist, a person must produce annual crops from trees for commercial purposes and own 500 acres or less of such trees. Subtitle B provides that eligible orchardists may receive reimbursement of 65 percent of the eligible costs of replanting trees lost due to freeze or related condition in 1989 in excess of 45 percent mortality (adjusted for normal mortality). However subtitle B provides that the total amount of such payments that a "person" may receive may not exceed \$25,000, and also provides that the Secretary shall issue regulations defining the term "person" for these purposes. The Act specifies that such regulations shall conform to the extent practicable to the regulations issued under section 1001 of the Food Security Act of 1985. These regulations are set forth at 7 CFR part 1498.

Subtitle C of title I of the 1989 Act provides that, subject to certain limitations, the Secretary of Agriculture shall provide assistance to eligible tree farmers that planted tree seedlings in 1988 or 1989 to produce trees to be harvested for commercial purposes but lost such seedlings as a result of drought or related condition in 1989, as determined by the Secretary. Under subtitle C, to be an "eligible tree farmer" the applicant must be a person who grows trees for harvest for commercial purposes and owns 1,000 acres or less of such trees. Under subtitle C, an eligible person may receive reimbursement of 65 percent of the cost of replanting seedlings lost due to drought or related condition in 1989 in excess of 45 percent mortality (adjusted for normal mortality). The total amount of such payments that a "person" may receive is, by the terms of the Act, limited to \$25,000.

The Act, for assistance made under both subtitle B and C, permits assistance to be made available in the form of seedlings rather than through a direct payment. Under either subtitle, value of such seedlings may not exceed \$25,000 per "person."

Section 151 of the Act contains a further limitation for both subtitles. Under that section, no person is eligible to receive assistance if the person has "qualifying gross revenues" in excess of \$2 million annually, as determined by

the Secretary. The Act defines "qualifying gross revenues" to mean: (1) If a majority of the person's annual income is received from farming, ranching, and forestry operations; the gross revenues from the person's farming, ranching, and forestry operations; and (2) if less than a majority of the person's annual income is from farming, ranching, and forestry operations, the person's gross revenue from all sources.

For purposes of determining a "person", 7 CFR part 1478 provides that the provisions of 7 CFR part 1497 shall be used. The provisions of 1497.8 refer only to farming operations. However, the gross revenue determination requires the review of an entity's non-farm income. Accordingly for purposes of determining whether two or more entities shall be considered one "person", the income from all entities, whether or not an individual entity is engaged in farming, shall be used.

The Act provides for using CCC to carry out the program and provides that the Secretary and the CCC may issue such regulations as may be needed. The Act directs the Secretary or CCC, as appropriate, to issue regulations for Title I programs as soon as practicable and without regard to the requirements for notice and public participation in rulemaking prescribed in 5 U.S.C. 553 or in any directive of the Secretary. Accordingly, this rule is issued without prior public comment.

Generally these regulations limit the reimbursable costs to those incurred after an application for assistance has been approved. Also, the costs must generally be those approved in the application. Further, as required by sections 125 and 135 of the Act, provision is made in the regulations to avoid duplicative payments where assistance was provided under another program such as the Conservation Reserve Program (7 CFR part 704) or the Forestry Incentives Program (7 CFR part 701).

The regulations allow only for assistance to reimburse producers to plant seedlings to replace the lost trees or seedlings, as appropriate. Under these regulations, commercial nurseries will not generally be eligible for assistance. With respect to assistance made available in accordance with subtitle B of the Act, the applicant must be engaged in the business of growing trees for the production of annual crops for commercial purposes. Similarly, with respect to assistance made available in accordance with subtitle C of the Act, the person must be in the business of growing trees for harvest, and must have suffered losses of plants planted as tree

seedlings. Assistance will not be made available for plants grown at the site by the applicant from seed, or grown for resale as live plants.

It has been determined that providing relief in the form of seedlings would be costly and inefficient due to distribution difficulties and the lack of seedlings available for distribution. Accordingly, all assistance shall be made by CCC by means of a check issued by CCC.

For CCC, the provisions of this part will be administered through State and county Agricultural Stabilization and Conservation Service (ASC) committees. The regulations limit the per/seedling and per/acre TAP reimbursements which the county committees may approve without the concurrence of the State ASC Committee.

For purposes of the Paperwork Reduction Act, the OMB Number 0560-0079 has been assigned for the information collection requirements of this part. Send comments regarding this collection of information to: Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

List of Subjects in 7 CFR Part 1478

Administrative practices and procedures, Natural resources, and Trees.

Final Rule

Accordingly, subchapter B, chapter XIV of title 7 of the Code of Federal Regulations is amended by revising part 1478 to read as follows:

PART 1478—1989 TREE ASSISTANCE PROGRAM

Sec.	
1478.1	General statement.
1478.2	Administration.
1478.3	Definitions.
1478.4	Program availability.
1478.5	Qualifying loss.
1478.6	Eligible costs.
1478.7	Payment.
1478.8	Obligations of an eligible owner.
1478.9	Payment limitation.
1478.10	Liens and claims of creditors; Set-offs.
1478.11	Appeals.
1478.12	Misrepresentation and scheme or device.
1478.13	Estates, trusts, and minors.
1478.14	Deaths, incompetency, or disappearance.
1478.15	Other regulations.
1478.16	Paperwork Reduction Act assigned numbers.

Authority: 15 U.S.C. 714b and 714c, 7 U.S.C. 1421 note.

§ 1478.1 General statement.

The regulations in this part set forth the terms and conditions of the 1989 Tree Assistance Program (1989 TAP) authorized by title I of the Disaster Assistance Act of 1989 (the Act). Within specified limits, the Commodity Credit Corporation (CCC) is authorized by the Act to:

(a) Reimburse eligible persons for part of the cost of replanting seedlings to offset losses by an eligible orchardist for trees that were planted in any year to produce annual crops for commercial purposes but were lost due to freeze or related condition in 1989; and,

(b) Reimburse eligible tree farmers for part of the cost of replanting seedlings planted in 1988 or 1989 that were planted to produce trees to be harvested for commercial purposes where the seedlings were lost due to drought or related condition in 1989.

Such assistance may not exceed 65 percent of the eligible reseeding costs actually incurred by the producer with respect to those eligible losses which, after adjustments for normal mortality, exceed a percentage loss of 45 percent, as determined by CCC.

§ 1478.2 Administration.

(a) This part shall be administered by CCC under the general direction and supervision of the Executive Vice President, CCC. The program shall be carried out in the field by State and county Agricultural Stabilization and Conservation (ASC) committees (State and county committees).

(b) State and county committees, and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of the regulations in this part, as amended or supplemented.

(c) The State committee shall take any action required by this part which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with this part; or

(2) Require a county committee to withhold taking any action which is not in accordance with this part.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

§ 1478.3 Definitions.

(a) In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons and things, words importing the plural include the singular, words importing the masculine gender include the feminine, and words used in the present tense include the future as well as the present.

(b) The following terms contained in this part shall have the following meanings:

"Annual gross revenue" means with respect to a person, as defined in Part 1497 of this title:

(i) For a person who receives more than 50 percent of such person's gross income from farming, ranching, and forestry operations, the total gross income received from such operations; and,

(ii) Receives 50 percent or less of such person's gross income from farming, ranching, and forestry operations, the total gross income from all sources. However, the determinations made in accordance with § 1497.8 of this chapter shall include all entities in which an individual or entity has an interest, whether or not such entities are engaged in farming.

"Approving official" means a representative of CCC who is authorized by the Executive Vice President, CCC, to approve an application for assistance made in accordance with this part.

"ASCS" means the Agricultural Stabilization and Conservation Service.

"CCC" means the Commodity Credit Corporation.

"County" means a county or similar geographic area as determined by CCC.

"DASCO" means the Deputy Administrator, or Acting Deputy Administrator, State and County Operations, ASCS, U.S. Department of Agriculture.

"Eligible owner" means an individual, partnership, corporation, association, estate, trust, or other business enterprise or legal entity and includes:

(i) Any Indian tribe under the Indian Self-Determination and Education Assistance Act;

(ii) Any Indian organization or entity chartered under the Indian Reorganization Act;

(iii) Any tribal organization under the Indian Self-Determination and Education Assistance Act; and,

(iv) Any economic enterprise under the Indian Financing Act of 1974 which meets the requirements of this part.

Federal, State and local governments and agencies and political subdivisions thereof are specifically excluded. In addition, in determining whether an

individual or other entity is an eligible owner, such person, as determined under part 1497 of this chapter, must with respect to a request for relief for losses due to freeze or related condition in 1989, not own more than 500 acres of trees which produce annual crops for commercial purposes and with respect to a request for relief for losses due to drought or related condition in 1989, not own more than 1,000 acres of trees produced for harvest for commercial purposes. Also, in order to be eligible for payments under this part a person, as defined under Part 1497 of this chapter, must not also have annual gross revenue in excess of \$2 million, as determined under this part.

"Eligible trees" or "eligible seedlings" means trees or seedlings as appropriate, which are determined by CCC to have been planted for:

(i) The production of wood products, fruit, nuts, syrup, or similar products, or,

(ii) Harvest as Christmas trees. Such trees or seedlings must be planted in the ground and may not be trees or seedlings planted in containers, or in other devices which are not placed in the ground, trees or seedlings grown from seed at the site, trees or seedlings produced for resale in a live condition, ornamental trees or seedlings, bushes, shrubs, vines and similar plants, and windbreaks, shelterbelts and wildlife enhancement plantings. In addition, if the request for assistance is for losses from a freeze or related condition, the eligible trees must also be trees that have been planted for commercial purposes to produce annual crops; and, if the request for relief is for losses due to drought or related condition, the plants must be tree seedlings planted in 1988 or 1989 for harvest for commercial purposes.

"Executive Vice President" means the Executive Vice President, CCC, or a designee of the Executive Vice President.

"Harvest" means the removal of the tree from the ground by the cutting and removal of the whole tree at its base in a manner which separates the tree from its root system.

"Individual stand" means an area of eligible trees which are tended to by an eligible owner as a single operation, whether or not such trees are planted in the same field or similar location, as determined by CCC. Differing species of trees in the same field or similar area may be considered to be separate individual stands if CCC determines that the species have significantly differing levels of drought susceptibility.

"Local county office" means with respect to individual stands of eligible trees which are grown on a farm:

(i) Which has been assigned an ASCS farm serial number, the county ASCS office which services such farm; or

(ii) Which has not been assigned an ASCS farm serial number, the county ASCS office which services the county in which such stand is located.

"Normal mortality" with respect to a request for relief for drought or related condition, means the average extent of plant death on the individual stand which normally would have occurred with respect to eligible seedlings during the period between the time of planting and the time of the loss with respect to which assistance is requested under this part without regard to any detrimental conditions which do not regularly effect seedling or tree survival rates in the local area, as determined by the County ASC committee in accordance with instructions of DASCO.

"Operator" means a person who is in general control of the tree farming operations as determined by CCC.

"Seedling" means a tree which was planted in the ground for commercial purposes and is of a size which CCC determines is:

(i) Normally planted in the ground and;

(ii) Does not exceed the size which is normally considered seedling size for the particular species of an eligible tree.

"State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"State committee", "State office", "county committee", or "county office", means the respective ASC committee or ASCS office.

(c) In the regulations in this part and in all instructions, terms, and documents in connection therewith, all other words and phrases specifically relating to ASCS operations shall, unless the context of the subject matter otherwise requires, have the meanings assigned to them in the regulations governing reconstitution of farms, allotments, and bases in part 719 of this title.

§ 1478.4 Program availability.

A request by an eligible owner for assistance under this part must be made on or before June 30, 1990. Eligible owners shall not receive assistance under this part with respect to losses of seedlings which were:

(a) Planted under the Conservation Reserve Program; or

(b) The subject of any cost-share assistance or other assistance under any other Federal program, unless approved in writing by DASCO.

§ 1478.5 Qualifying loss.

(a) A person shall be eligible to receive assistance under this part with respect to losses due to freeze or related condition in 1989 only if such owner is an eligible owner, as defined in this part and has sustained a qualifying loss of eligible tree seedlings or trees as determined by CCC. The only type of losses which may be considered qualifying are the following:

(1) A loss by an eligible owner who is an orchardist who is the owner of eligible trees planted in any year for commercial purposes which are lost as a result of a freeze or related condition in 1989 as determined by the county ASC committee in accordance with instructions of DASCO or

(2) A loss by an eligible tree farmer who grows trees for harvest for commercial purposes and is the owner of eligible tree seedlings planted for such commercial purposes in 1988 or 1989 which were lost as a result of drought or related condition in 1989 as determined by the county ASC committee in accordance with instructions of DASCO.

Qualifying loss determinations shall be made on an individual stand basis.

(b) A qualifying loss shall be the loss for the individual stand of eligible tree seedlings or eligible trees, as appropriate, after taking into account the normal mortality of such seedlings, trees, or seedlings and trees as appropriate, on such stand, in excess of 45 percent mortality (adjusted for normal mortality). Qualifying losses shall not include losses which could have been prevented through readily-available horticultural measures.

§ 1478.6 Eligible costs.

(a) Payments under this part shall be made by CCC and may be made only to the extent that payment is specifically provided for in this part. CCC shall, under this part, to the extent of the availability of funds, reimburse an eligible owner for 65 percent of the eligible costs of planting seedlings, not in excess of the number of seedlings or trees constituting the qualifying loss, to the extent that CCC determines that such costs are reasonable, and are to replace the number of trees or seedlings constituting the qualifying loss. If the costs are to replace lost seedlings, such costs for replacement seedlings shall be limited by the cost needed to plant seedlings that are as similar as possible in size and value to those originally planted and subsequently destroyed. If the costs are to replace lost trees, the costs shall only be for replacement

seedlings of a size and quality determined by CCC to be sufficient for that purpose. The costs for which cost-sharing shall be permitted shall be only the costs which are the cost of the seedlings, site preparation measures that are both normal cultural practices for the type of individual stand being reestablished and necessary to ensure successful plant survival, chemicals and nutrients if needed to ensure successful plant survival, and labor used to physically plant such seedlings as based on standard labor rates as determined by the county committee. Eligible costs specifically exclude items such as fencing, irrigation, irrigation equipment, measures to protect seedlings from wildlife, and general land and tree stand improvements. Eligible costs shall not include those costs incurred prior to filing an application for participation in the program, unless specifically otherwise approved by DASCO.

(b) Eligible costs shall not include costs incurred for replanting species of seedlings differing significantly from the species of the seedlings or trees constituting the qualifying loss except as approved by CCC. If such substitution is approved, eligible costs shall be the lesser of:

(1) The actual eligible costs incurred; or

(2) The estimated eligible costs which otherwise would have been incurred.

(c) Eligible costs shall only include costs approved within the limits set by this part including, but not limited to, those limits set forth in paragraphs (a) and (f) of this section, which have been actually incurred by the eligible owner and for which the eligible owner has presented adequate documentation. Further, except as otherwise authorized by DASCO, eligible costs shall not include costs for a practice or activity which has not been completed.

(d) The amount of assistance which shall be paid by CCC, shall not exceed 65 percent of the eligible costs actually incurred by an eligible applicant from replanting the qualifying loss as determined by CCC.

(e) Notwithstanding any other provision of this part, an application for payment shall not be approved by the county committee without the written approval of the State committee if such payment would exceed:

(1) For timber and wood seedlings, \$.25 per seedling;

(2) For Christmas tree seedlings, \$.50 per seedling;

(3) For other seedlings, \$.50 per seedling; or

(4) An amount, determined on a per acre individual stand basis taking into

account the amount of the eligible tree seedling loss, which is greater than:

(i) For land planted to timber and wood seedlings, 75 percent of the average county dryland cropland value.

(ii) For Christmas tree seedlings, 100 percent of the average county dryland cropland value; and

(iii) For all other seedlings, 250 percent of the average county dryland cropland value.

(f) The State committee may not, without the written approval of DASCO, approve an application for payment, if such payment would exceed 150 percent of the amounts specified in paragraph (e) of this section.

§ 1478.7 Payment.

(a) Applications for payment shall be filed by the eligible owner with the local ASCS office and shall certify and set forth accurately the number of seedlings or trees which constitute the qualifying loss and the amount of the acreage of the individual stands with respect to which the loss was suffered.

(b) (1) The county committee or designee shall review each application. The county committee and, if designated by the county committee, the county executive director, is authorized, subject to the provisions of this part, to approve or disapprove all applications, subject to the limitations and conditions of this part, provided the applicant is not a county committee member or an ASCS employee.

(2) The State committee, or a designee, is authorized to approve or disapprove applications of the county committee members and all ASCS employees except an application which may be submitted by the State Executive Director, or by a State Committee member.

(3) DASCO, or a designee, shall approve or disapprove applications of State committee members and the State Executive Director.

(4) All applications forwarded to a higher authority for consideration shall be accompanied by committee recommendations. No application shall be approved unless the owner meets all eligibility requirements. Information furnished by the applicant and any other information, including knowledge of the county and State committee members concerning the owner's normal operations, shall be taken into consideration in making recommendations and approvals. If information furnished by the owner is incomplete or ambiguous and sufficient information is not otherwise available with respect to the owner's farming operations in order to make a

determination as to the owner's eligibility, the owner's application shall not be approved until sufficient additional information is provided by the owner.

(5) An applicant shall be notified in writing of the action taken with respect to an application by the appropriate official.

§ 1478.8 Obligations of an eligible owner.

(a) Eligible owners must submit a request for assistance on a form approved by CCC and must also submit all documentation requested by the appropriate official which is necessary to make determinations specified in this part.

(b) Eligible owners must:

(1) Comply with all terms and conditions of this part;

(2) Execute all required documents; and

(3) Comply with all applicable noxious weed laws.

(c) In the event of a determination by CCC that a person was erroneously determined to be eligible or has become ineligible for all or part of a payment made under this part for any reason, including a failure to comply with the terms and conditions of this part, or other condition for payment imposed by the county ASC committee, or DASCO, such person shall refund any payment paid under this part together with interest. Such interest shall be charged at the rate determined for late payment charges under part 1403 of this chapter and computed from the date of disbursement by CCC of the payment to the date of the refund.

§ 1478.8 Payment limitations.

(a) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses in 1989 due to freeze or related condition shall not exceed \$25,000.

(b) The amount of payments which any person, as determined in accordance with part 1497 of this chapter, may receive under this part in connection with losses in 1989 due to drought or related condition shall not exceed \$25,000.

§ 1478.10 Liens and claims of creditors: set-offs.

Any payment or portion thereof due any person under this part shall be allowed without regard to questions of title under State law, and without regard to any claim or lien in favor of any person except agencies of the U.S. Government. The regulations governing set-offs and withholdings found at part

13 of this title shall be applicable to this part.

§ 1478.11 Appeals.

Any person who is dissatisfied with a determination made with respect to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at part 780 of this title.

§ 1478.12 Misrepresentation and scheme or device.

A person who is determined by the State committee or the county committee to have:

(a) Adopted any scheme or other device which tends to defeat the purpose of this program; (b) made any fraudulent representation; or (c) misrepresented any fact affecting a program determination shall be ineligible to receive assistance under this program.

In either case all moneys paid by CCC under this part to any such person or to any other person as a result of such person's actions shall be refunded to CCC with interest together with such other sums as may become due. The party engaged in acts prohibited by this section and the party receiving payment shall be jointly and severally liable for any refund due under this section and for related charges. The remedies provided to CCC in this part shall be in addition to other civil, criminal, or administrative remedies as will apply.

§ 1478.13 Estates, trusts, and minors.

(a) Program documents executed by persons legally authorized to represent estates or trusts will be accepted only if such person furnishes evidence of the authority to execute such documents.

(b) A minor who is an otherwise eligible owner shall be eligible for assistance under this subpart only if such person meets one of the following requirements:

(1) The minor establishes the right of majority has been conferred on the minor by court proceedings or by statute;

(2) A guardian has been appointed to manage the minor's property and the applicable program documents are executed by the guardian; or

(3) A bond is furnished under which the surety guarantees any loss incurred for which the minor would be liable had the minor been an adult.

§ 1478.14 Death, incompetency, or disappearance.

In the case of death, incompetency of disappearance, of any owner who is eligible to receive assistance in

accordance with this part, such person or persons specified in part 707 of this title may receive such assistance.

§ 1478.15 Other regulations.

In addition to any other regulations as may be applicable, the following regulations shall also apply to this part:

(a) Part 12 of this title, Highly Erodible Land and Wetland Conservation;

(b) Part 790 of this title, Incomplete Performance Based Upon Action or Advice of an Authorized Representative of the Secretary;

(c) Part 791 of this title, Authority to Make Payments When There Has Been a Failure to Comply with the Program;

(d) Part 796 of this title, Denial of Program Eligibility for Controlled Substance Violations;

(e) Part 1403 of this chapter, Interest on Delinquent Debt.

§ 1478.16 Paperwork Reduction Act assigned numbers.

The information collection requirements of this part have been submitted to the Office of Management and Budget (OMB) for purposes of the Paperwork Reduction Act and the OMB Number 0560-0079 has been assigned.

Signed at Washington, DC on November 7, 1989.

John A. Steven,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 89-26686 Filed 11-15-89; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

[INS Number 1217-89]

RIN 1115-AB14

Statement of Organization; Ports of Entry for Aliens Arriving by Vessel or by Land Transportation, and by Aircraft

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule designates the Hancock International Airport, Syracuse, New York, as a port of entry for aliens arriving by aircraft; deletes Hogsburg, New York and St. Juste, Maine as "Class B" ports of entry; and redesignates St. Aurelie, Maine from a "Class A" port of entry to "Class B". "Class B" ports may be utilized by aliens who at the time of applying for

admission are lawfully in possession of valid alien registration receipt cards or valid non-resident alien border-crossing cards, or are admissible without documents under the documentation waivers contained in 8 CFR part 212. Due to increasing numbers of vessels arriving at Syracuse and St. Aurelie, it is necessary that each be designated a port of entry to be staffed by inspectors of the Immigration and Naturalization Service.

EFFECTIVE DATE: November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Gene Paz, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Room 7123, Washington, DC 20536, Telephone: (202) 633-4033.

SUPPLEMENTARY INFORMATION: Under the present Immigration and Naturalization Service (INS) organization, the District Office in Buffalo, New York has jurisdiction over the state of New York, except that part within the jurisdiction of the New York District Office and the United States Immigration Offices at Toronto, Ontario, Canada and Montreal, Quebec, Canada. Therefore, Hancock International Airport at Syracuse, New York falls within the jurisdiction of Buffalo.

Scheduled international air traffic began arriving at Hancock International Airport, Syracuse, New York, on January 5, 1986. There are currently four daily scheduled arrivals by a major carrier as well as several commuter flights. During fiscal year 1988, 38,591 United States citizens and 52,623 alien passengers were inspected by officers of the INS.

The "Class B" port of entry at St. Juste, Maine was closed by the U.S. Customs Service in 1965, and the port of entry at Hogansburg, New York was closed several years ago. Traffic in the area now utilizes the port of entry at Massena, New York.

The St. Aurelie, Maine port of entry has now been changed from a "Class A" port to a "Class B" port due to its remoteness. The new designation will still allow INS to accommodate the applications for entry by local woodsmen and sportsmen who do not require INS documentation. As no permanent INS personnel are assigned to St. Aurelie, Maine, aliens requiring documentation should be referred to a "Class A" port of entry.

Section 100.4(c)(2) deletes Hogansburg, New York from Class B—District 7; deletes St. Aurelie, Maine from Class A—District 22; deletes St. Juste, Maine from Class B—District 22; and redesignates St. Aurelie, Maine to Class B—District 22.

Section 100.4(c)(3) designates Syracuse, New York to District 7—Buffalo, New York.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because this rule relates to agency management.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this final rule will not have significant economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 100

Administrative practice and procedure, Organization and functions (Government agencies).

Accordingly, chapter I, part 100 of title 8 of the Code of Federal Regulations is amended as follows:

PART 100—STATEMENT OF ORGANIZATION

1. The authority citation for part 100 continues to read as follows:

Authority: Sec. 103 of the Immigration and Nationality Act; 8 U.S.C. 1103.

2. In § 100.4(c)(2) District numbers 7 and 22 are revised and in § 100.4(c)(3) District No. 7 is revised to read as follows:

§ 100.4 Field service.

(c) * * *

District No. 7—Buffalo, N.Y.

Class A

Albany, N.Y.
Alexandria Bay, N.Y.
Buffalo, N.Y.
Cape Vincent, N.Y.
* Champlain, N.Y.
* Chateaugay, N.Y.
Clayton, N.Y.
* Fort Covington, N.Y.
Lewiston, N.Y.
* Massena, N.Y.
* Mooers, N.Y.
* Niagara Falls, N.Y.
* Ogdensburg, N.Y.
Oswego, N.Y.
Rochester, N.Y.
Rouses Point, N.Y.
* Thousand Islands, Bridge, N.Y.
* Trout River, N.Y.
Youngstown, N.Y.

Class B

Cannons Corner, N.Y.
Churubusco, N.Y.

Jamison's Line, N.Y.

Class C

Sodus Point, N.Y.

District No. 22—Portland, Maine

Class A

* Alburg, V.T.
* Alburg Springs, V.T.
* Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine)
* Beebe Plain, V.T.
* Beecher Falls, V.T.
* Bridgewater, Maine
* Calais, Maine (includes Ferry Point and Milltown Bridges)
* Canaan, V.T.
* Coburn Cove, Maine
* Derby Line, V.T.
* Eastport, Maine
* East Richford, V.T.
* Fort Fairfield, Maine
* Fort Kent, Maine
* Hamlin, Maine
* Highgate Springs, V.T.
* Houlton, Maine
* Jackman, Maine
* Limestone, Maine
Lubec, Maine
* Madawaska, Maine
Morses Line, V.T.
* Newport, V.T.
* North Troy, V.T.
* Norton, V.T.
Pittsburgh, N.H.
Portland, Maine
* Richford, V.T. (includes the Pinnacle port of entry)
* St. Albans, V.T.
* Van Buren, Maine
* Vanceboro, Maine
* West Berkshire, V.T.

Class B

Daaquam, Maine
Easton, Maine
Eastcourt, Maine
Forest City, Maine
Knoxford Line Road (Mars Hill), Maine
Monticello, Maine
Orient, Maine
Robbinston, Maine
St. Aurelie, Maine
St. Pamphile, Maine

Class C

Bath, Maine
Boothbay Harbor, Maine
Kittery, Maine
Rockland, Maine
Wiscasset, Maine

(c) * * *

District No. 7—Buffalo, N.Y.

Albany, N.Y., Albany County Airport
Massena, N.Y., Richards Field
Ogdensburg, N.Y., Ogdensburg Harbor
Ogdensburg, N.Y., Ogdensburg Municipal Airport

Rochester, N.Y., Rochester-Monroe County Airport
 Rouses Point, N.Y., Rouses Point Seaplane Base
 Syracuse, N.Y., Hancock International Airport
 Watertown, N.Y., Watertown Municipal Airport
 * * * * *

Dated: October 5, 1989.

Richard E. Norton,
 Associate Commissioner Examinations,
 Immigration and Naturalization Service.
 [FR Doc. 89-28921 Filed 11-15-89; 8:45 am]
 BILLING CODE 4410-10-M

8 CFR Part 238

[INS Number: 1041-89]

RIN 1115-AA88

Contracts With Transportation Lines

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule updates the listings of transportation lines which have entered into agreements with the Service for the preinspection of their passengers and crew at locations outside the United States and carriers which have entered into agreements with the U.S. Immigration and Naturalization Service to guarantee the passage through the United States in immediate and continuous transit by aliens destined to foreign countries. It is necessary to publish and record approved transportation line contracts and to make this information available to the public to allow the transportation lines to begin the services agreed to in the contract. This rule will facilitate travel of passengers while passing through the United States.

EFFECTIVE DATE: November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Donna Kay Barnes, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street NW., Room 7123, Washington, DC 20536, Telephone: (202) 633-2725.

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service entered into agreements with Continental Airlines and Canadian Airlines International, Ltd. on January 30, 1987, with Nolisair International, Inc. (dba Nationair Canada) on July 14, 1987, with Admiral Cruise Lines and Northwest Airlines on May 27, 1987, with Delta Airlines Inc. on July 27, 1987, with Skylink Airlines and Aerocoach Aviation on September 28, 1987, with Comair, Inc. on November 16, 1987, with Canadian Airlines

International, Ltd. on November 17, 1987, with B.C. Stena Line, Ltd. on June 5, 1989, and with American Trans Air, Air Alliance, Inc., Piedmont Airlines, Sun Country Airlines, Odyssey International, Quebecair/Air Quebec International (dba InterCanadian), Time Air, Inc. on July 1, 1989, and U.S. Air on July 8, 1989, to provide for the preinspection of their passengers and crew as provided by section 238(b) of the Immigration and Nationality Act; as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crew upon arrival at a U.S. port of entry and is a convenience to the traveling public.

The Commissioner further entered into agreements with Nolisair International Inc. (dba Nationair Canada) on July 14, 1987, with Avensa Airlines, Catamaran Cruise Lines, and Skylink Airlines, Ltd. on November 18, 1987, with Canadian Airlines International, Ltd. on December 17, 1987, with Ontario Express, Ltd. (dba Canadian Partner) on May 20, 1988, with Malev Hungarian Airlines on June 5, 1989, with Resort Commuter, Inc. (dba Resorts) on June 15, 1989, and with Time Air, Inc., and Horizon Airlines Industries, Inc. on July 1, 1989 to guarantee passage through the United States in immediate and continuous transit of aliens destined to foreign countries.

The agreement provides for the waiver of certain documentary requirements and facilitates the air travel of passengers on international flights while passing through the United States.

Compliance with 5 U.S.C. 553 as to notice of proposed rule making and delayed effective date is unnecessary because the amendment merely updates the listing of transportation lines.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that the rule will not have a significant impact on a substantial number of small entities. This is not a major rule within the meaning of Section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612. This rule constitutes a notice to the public under 5 U.S.C. 552.

List of Subjects in 8 CFR Part 238

Airlines, Aliens, Government contracts, Travel, Travel restrictions, and Transportation lines.

Accordingly, part 238 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The authority citation for part 238 continues to read as follows:

Authority: 8 U.S.C. 1103, and 1228.

2. Section 238.3(b) is amended by adding in alphabetical sequence the following transportation lines:

§ 238.3 [Amended]

(b) * * *

- Avensa Airlines
- * * *
- Canadian Airlines International, Ltd.
- * * *
- Catamaran Cruiselines
- * * *
- Horizon Airlines Industries, Inc.
- * * *
- Malev Hungarian Airlines
- * * *
- Nolisair International, Inc. (dba Nationair Canada)
- * * *
- Ontario Express, Ltd. (dba Canadian Partner)
- * * *
- Resort Commuter, Inc. (dba Resorts)
- * * *
- Skylink Airlines, Ltd.
- * * *
- Time Air, Inc.
- * * *

3. Section 238.4 is amended by adding in alphabetical sequence the following transportation lines under the following headings and by adding a new heading "At Shannon" to read as follows:

§ 238.4 [Amended]

* * *

At Bermuda

- * * *
- Continental Airlines
- * * *
- Piedmont Airlines
- * * *
- U.S. Air
- * * *

At Calgary

- * * *
- Canadian Airlines International, Ltd.
- * * *
- Time Air, Inc.
- * * *

At Edmonton

- * * *
- Canadian Airlines International, Ltd.
- * * *
- Delta Airlines, Inc.
- * * *

At Freeport

- Aerocoach Aviation International, Inc.
- * * *
- Comair, Inc.
- * * *
- Sun Country Airlines

At Montreal

Air Alliance, Inc.

Canadian Airlines International, Ltd.

Northwest Airlines

Odyssey International

Quebec/Air Quebec, Inc., (dba
InterCanadian)

At Nassau

American Trans Air

Piedmont Airlines

Sun Country Airlines

At Shannon

American Trans Air

At Vancouver

Admiral Cruiselines

Canadian Airlines International, Ltd.

Delta Airlines, Inc.

Skylink Airlines

At Victoria

B.C. Stena Line, Ltd.

Canadian Airlines/International, Ltd.

At Toronto

Canadian Airlines International, Ltd.

Nolisair International, Inc., (dba Nationair
Canada)

Odyssey International

Quebecair/Air Quebec, Inc., (dba
InterCanadian)

At Winnipeg

Canadian Airlines International, Ltd.

Dated: September 11, 1989.

Richard E. Norton,

Associate Commissioner, Immigration and
Naturalization Service.

[FR Doc. 89-26922 Filed 11-15-89; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 245

[INS Number: 1003-89]

RIN 1115-AA31

**Powers and Duties of Service Officers;
Availability of Service Records,
Adjustment of Status to That of
Person Admitted for Permanent
Residence**AGENCY: Immigration and Naturalization
Service, Justice.

ACTION: Correction to rule document.

SUMMARY: This corrects errors in the
final rule published on July 12, 1989,
beginning at 54 FR 29440 regarding
adjustment of status to that of persons
admitted for permanent residence.

EFFECTIVE DATE: August 11, 1989.

FOR FURTHER INFORMATION CONTACT:
Joseph D. Cuddihy, Senior Immigration
Examiner, Immigration and
Naturalization Service, 425 I Street,
NW., Washington, DC 20536, Telephone:
(202) 633-5014.**PART 245—ADJUSTMENT OF STATUS
TO THAT OF PERSONS ADMITTED
FOR PERMANENT RESIDENCE****§ 245.1 [Corrected]**1. On page 29441, in the first column,
amendatory instruction 4, "(c)(i)" should
read "(c)(1)".**§ 245.2 [Corrected]**2. On the same page, in the third
column, in § 245.2(a)(5)(ii), "§ 245.2(a)(i)"
should read "§ 245.2(a)(1)".**§ 245.6 [Corrected]**3. On the same page, in the same
column, in § 245.6(a), "§ 245.3" should
read "§ 245.8".4. On the same page, in the same
column, in § 245.6(d)(2), "§ 245.1(c)(i)"
should read "§ 245.1(c)(1)".5. On page 29442, in the first column,
in § 245.6(g)(2), the word "decision"
should read "application", and in the 3rd
line insert the words "the letter"
immediately after the word "and" and
before the word "is".

Dated: November 8, 1989.

Richard E. Norton,

Associate Commissioner, Examinations,
Immigration and Naturalization Service.

[FR Doc. 89-26837 Filed 11-15-89; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 245a

[INS Number: 1022-R-89]

RIN 1115-AA52

**Adjustment of Status for Certain
Aliens**AGENCY: Immigration and Naturalization
Service, Justice.

ACTION: Correction to rule document.

SUMMARY: This corrects errors in the
final rule published on July 12, 1989,
beginning at 54 FR 29442 regarding
aliens lawfully admitted for permanent
residence.

EFFECTIVE DATE: July 12, 1989.

FOR FURTHER INFORMATION CONTACT:
Terrance M. O'Reilly, Assistant
Commissioner, Legalization,
Immigration and Naturalization Service,
425 I Street, NW., Washington, DC
20536, Telephone (202) 786-3658.**PART 245A—ADJUSTMENT OF
STATUS TO THAT OF PERSONS
ADMITTED FOR LAWFUL
TEMPORARY OR PERMANENT
RESIDENT STATUS UNDER SECTION
245A OF THE IMMIGRATION AND
NATIONALITY ACT, AS AMENDED BY
PUBLIC LAW 99-603, THE
IMMIGRATION REFORM AND
CONTROL ACT OF 1986, AND PUBLIC
LAW 100-204, SECTION 902****§ 245a. [Corrected]**1. On page 29455, in the second
column, in the second line, amendatory
instruction 5, remove the term
"introductory text".2. On the same page, in the third
column, remove the 5 asterisks after the
text in § 245a.4(c).

Dated: November 8, 1989.

Richard E. Norton,

Associate Commissioner, Examinations,
Immigration and Naturalization Service.
[FR Doc. 89-26838 Filed 11-15-89; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 286

[INS Number: 1212-89]

RIN 1115-AA30

INS Immigration User Fee ReviewAGENCY: Immigration and Naturalization
Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule establishes the
maintenance of the Immigration User
Fee at the current \$5.00 level for the

period December 1, 1988, through November 30, 1990.

EFFECTIVE DATE: December 18, 1989.

FOR FURTHER INFORMATION CONTACT: Charles S. Thomason, Systems Accountant, Finance Branch, Immigration and Naturalization Service, 425 I Street, NW., Washington, DC 20536, Telephone: (202) 633-4705.

SUPPLEMENTARY INFORMATION: The INS published a proposed rule on June 9, 1989, at 54 FR 24714 that published the status of the Immigration User Fee Account as of December 1, 1988, and recommended that the Immigration User Fee (IUF) remain unchanged at the current \$5.00 level for the period December 1, 1988, through November 30, 1990. No comments were received by the June 26, 1989, closing date for comments. Accordingly, the IUF in § 286.2 will remain unchanged.

AUTHORITY: 8 U.S.C. 1103, 1356.

Dated: September 26, 1989.

James L. Buck,

Acting Commissioner.

[FR Doc. 89-26920 Filed 11-15-89; 8:45 am]

BILLING CODE 4410-10-M

8 CFR Part 316a

[INS Number: 1243-89]

Residence; Physical Presence and Absence; Recognized American Institutes

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Beirut University College to the list of recognized American institutions conducting research abroad, in accordance with sections 316(b) and 319(b) of the Immigration and Nationality Act, as amended [8 U.S.C. 1427(b) and 1430(b)]. This rule will allow employees of Beirut University College who are active in scientific research on behalf of the institute to be eligible for constructive residence and (in the case of United States citizen employees) their spouses eligible for naturalization without regard to the normal residence requirements.

EFFECTIVE DATE: November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Raymond R. Jaroneski, Jr., Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone (202) 633-3946.

SUPPLEMENTARY INFORMATION: Section 316(b) of the Immigration and Nationality Act, as amended, 8 U.S.C.

1427(b), allows for certain absences abroad by lawful permanent residents of the United States to preserve residence and be counted towards the residence requirements for naturalization. 8 CFR 316a.2 lists American institutions of research that have been recognized by the Attorney General to qualify for the constructive resident benefit. Absences abroad in the employment of these institutions will be counted as constructive residence in establishing the residence for naturalization, provided all conditions of 8 U.S.C. 1427(b) which lists the requirements for naturalization are satisfied.

Section 319(b) of the Act, supra, provides in pertinent part that any person whose spouse is (1) a citizen of United States, (2) employed by an American institute of research recognized as such by the Attorney General, (3) regularly stationed abroad, and who is in the United States at the time of naturalization and declares an intention to take up residence in the U.S. after citizen spouse terminates his/her employment, may be naturalized with certain exceptions from the regular requirements, including the residence requirements.

The addition of Beirut University College to the list of institutions conducting research abroad will enable alien employees and alien spouses of United States citizen employees of Beirut University College to be deemed eligible for the benefits of sections 316(b) and 319(b) of the Act, if regularly stationed abroad in the conduct of research.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely amends an existing list. In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have a significant impact on a substantial number of small entities. This is not a major rule within the meaning of section (1)(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal Assessment in accordance with E.O. 12612.

List of Subjects in 8 CFR Part 316a

Citizenship and naturalization, Immigration and Nationality Act, Residence.

Accordingly, part 316a of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

1. The authority citation for 8 CFR part 316a continues to read as follows:

Authority: 8 U.S.C. 1103, 1427, 1428, and 1443.

§ 316a.2 [Amended]

In § 316a.2, American institutions of research, the listing of organizations is amended by adding in alphabetical sequence "Beirut University College".

Dated: September 26, 1989.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 89-26919 Filed 11-15-89; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Change of Sponsor Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor address for Lypho-Med, Inc. The sponsor informed FDA of the address change.

EFFECTIVE DATE: November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Lypho-Med, Inc., has advised FDA of a change of address from 4020 W. Division St., Chicago, IL 60651, to 2045 North Cornell Ave., Melrose Park, IL 60160. FDA is amending the regulations in 21 CFR 510.600(c) (1) and (2) to reflect this new address.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications is amended in the table in paragraph (c)(1) in the entry for "Lypho-Med, Inc.," and in the table in paragraph (c)(2) in the entry for "000469" by removing "4020 W. Division St., Chicago, IL 60651" and replacing it with "2045 North Cornell Ave., Melrose Park, IL 60160."

Dated: November 7, 1989.

Robert C. Livingston,
Acting Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.
[FR Doc. 89-28916 Filed 11-15-89; 8:45 am]

BILLING CODE 4160-01-286

21 CFR Part 510**Animal Drugs, Feeds, and Related Products; Change of Sponsor Name and Address**

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor name and address for Solvay Veterinary, Inc. to Solvay Animal Health, Inc. The sponsor informed FDA of the changes.

EFFECTIVE DATE: November 16, 1989.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Solvay Veterinary, Inc., P.O. Box 7348, Princeton, NJ 08540, has informed FDA of a change of name and address to Solvay Animal Health, Inc., 1201 Northland Dr., Mendota Heights, MN 55120. The agency is amending the regulations in 21 CFR 510.600(c) (1) and (2) to reflect the change in name and address.

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR Part 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 is amended in the table in paragraph (c)(1) by revising the entry for "Solvay Veterinary, Inc.," and in the table in paragraph (c)(2) in the entry for "053501" by revising the sponsor name and address to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

(c) * * *
(1) * * *

Firm name and address	Drug labeler code
Solvay Animal Health, Inc., 1201 Northland Dr., Mendota Heights, MN 55120.	053501

(2) * * *

Drug labeler code	Firm name and address
053501	Solvay Animal Health, Inc., 1201 Northland Dr., Mendota Heights, MN 55120.

Dated: November 6, 1989.
Robert C. Livingston,
Acting Director, Office of New Animal Drug
Evaluation, Center for Veterinary Medicine.
[FR Doc. 89-28915 Filed 11-15-89; 8:45 am]
BILLING CODE 4160-01-M

POSTAL SERVICE**39 CFR 232****Updating of Authority Citation**

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The purpose of this document is to update the authority citation for part 232 by substituting a reference to the most recently enacted appropriation act.

EFFECTIVE DATE: November 3, 1989.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 268-2960.

SUPPLEMENTARY INFORMATION:**List of Subjects in 39 CFR Part 232**

Law enforcement, Postal Service

PART 232—[AMENDED]

The authority citation for part 232 is revised to read as set forth below:

Authority: 39 U.S.C. 401, 403(b)(3), 404(a)(7); 40 U.S.C. 318, 318a, 318b, 318c; sec. 808, Treasury, Postal Service and General Government Appropriations Act, 1990, Pub. L. 101-136; 18 U.S.C. 13, 3061; 21 U.S.C. 802, 844.

Fred Eggleston,
Assistant General Counsel, Legislative
Division.

[FR Doc. 89-26978 Filed 11-15-89; 8:45 am]
BILLING CODE 7710-12-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Health Care Financing Administration****42 CFR Part 411****[BPD-302-N]****Medicare Program; Medicare as Secondary Payer and Medicare Recovery Against Third Parties; Publication of Court Orders**

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Publication of Court Orders.

SUMMARY: In accordance with the November 9, 1989 order of the United States District Court for the District of Columbia, in *American Hospital Association, et al. v. Sullivan*, No. 88-2027 (RCL), HCFA is publishing that order and the Joint Stipulation and Order of August 24, 1988.

FOR FURTHER INFORMATION CONTACT: Tom Stuber (301) 965-8889.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program; and No. 13.773, Medicare Hospital Insurance).

Dated: November 14, 1989.

Louis B. Hays,
Acting Administrator, Health Care Financing
Administration.

In the United States District Court for the District of Columbia:

American Hospital Association, California Association of Hospitals and Health Systems, Federation of American Health Systems, Illinois Hospital Association, Indiana Hospital Association, Missouri Hospital Association, Tennessee Hospital Association, Wisconsin Hospital Association, Florida Hospital Association, and Texas Hospital Association, Plaintiffs, v. Louis Sullivan, Secretary of The United States Department of Health and Human Services et al. Defendants.

Order

The Court, having considered Plaintiffs' Second Motion For Preliminary Injunction, and having heard the arguments of counsel in support thereof and in opposition thereto, and having considered all other papers filed with respect thereto, is of the opinion that said Motion ought to be, and it is hereby, granted, in part, for the reasons stated in open court.

The Court expressly finds that enforcement of certain provisions [of] the Final Rule published by Defendants on October 11, 1989 at 54 FR 41716, 41742-41743 (to be codified at 42 CFR 411.54 and at 42 CFR 411.50(b) as relates to the definition of "prompt" or "promptly") (the "Final Rule") against the foregoing Plaintiffs and certain of their member hospitals, would be contrary to the Joint Stipulation and Order entered by this Court on August 24, 1988 ("Order of August 24, 1988") and would constitute violation of that Order by Defendants.

It is, therefore, ordered as ancillary to and consistent with this Court's Order of August 24, 1988, and pending final disposition of this cause:

1. That Defendants are ordered to publish this order and the Stipulation and Order of August 24, 1988, without Supplementary Information (as defined in 1 CFR 18.12 (1989)), in the *Federal Register* as an exception to the Final Rule as soon as possible and no later than November 16, 1989;

2. That by separate order the Plaintiff Intervenor's respective motions have been granted and all of the terms and protections afforded Plaintiff AHA members by the terms of this Order and the Order of August 24, 1988 shall apply to them and their member hospitals; and

3. The Plaintiffs are awarded their costs, expenses, and reasonable attorneys' fees incurred in preparing and filing their Second Motion for Preliminary Injunction and the accompanying documents, and may seek additional costs and fees in connection with the hearing. Counsel for Plaintiffs shall submit an itemized statement of costs, expenses, and

attorneys' fees within 45 days of the entry of this Order. Defendants may file their objections within 15 days thereafter, and the Court will determine the award. No bond shall be required.

Royce C. Lamberth,

United States District Judge.

November 9, 1989, 5:40 p.m.

[Civil Action No. 88-2027 RCL]

American Hospital Association Plaintiff, v. Otis R. Bowen, Secretary of the United States Department of Health and Human Services, et al. Defendants.

Joint Stipulation and Order

Plaintiff's Motion for Preliminary Injunction came on for hearing in this case on Monday, August 15, 1988 at 2:00 p.m. At the conclusion of argument by counsel, the Court recessed to permit the parties to confer and to consider certain terms and conditions. Thereafter, the parties represented to the Court that in lieu of this Court's further consideration of the Motion, and until this Court's final disposition of this case, the parties have agreed to entry of a Stipulation and Order by the Court on the terms and conditions set forth below.

In consideration whereof, it is hereby stipulated and ordered until final disposition of this matter:

1. As an alternative to billing Medicare, the member hospitals ("member hospitals") of the American Hospital Association ("AHA") may bill liability insurance carriers mentioned in 42 U.S.C. 1395y(b)(1) for their full charges for inpatient hospital services (42 U.S.C. 1395x(b)) and outpatient hospital and hospital diagnostic services (42 U.S.C. 1395x(s)(2) (B) and (C)) rendered to Medicare beneficiaries, may file liens in accordance with state law, may execute said liens, and may bill and receive voluntary payment from willing insurance carriers.

2. Any and all funds collected or received by the member hospitals in the manner described in Paragraph 1 hereof shall be retained by each hospital in a separate, interest bearing account.

3. Any member hospital that wishes to obtain the benefit of this Stipulation and Order must send to the Department of Health and Human Services ("HHS") a copy of each bill to a willing liability insurer and each lien filed against liability insurance proceeds, and also must notify HHS and the beneficiary whenever payment is received. Defendants shall promptly notify counsel for the AHA of the agency to which such copies and notices shall be sent. This paragraph shall apply only to

liens filed and bills sent, and payments received on these bills and liens, after the date of entry of this Stipulation and Order.

4. A. Defendants and their agents shall not terminate, institute termination proceedings, or threaten to terminate the Medicare provider agreement of any member hospital, or impose any other sanction against any member hospital if the member hospital is in compliance with the terms of paragraphs 1, 2, and 3 of this Stipulation and Order, on grounds that the member hospital has billed willing liability insurance carriers, filed liens, or received payment from said carriers after the date of entry of this Stipulation and Order under the circumstances as described in 42 U.S.C. 1395y(b)(1) or any manual provisions, directives, instructions, or rules or regulations, existing or proposed, that interpret or implement 42 U.S.C. 1395y(b)(1). Inadvertent failures to comply with this Stipulation and Order shall not constitute grounds for termination or other sanction, where such noncompliance is corrected within thirty (30) calendar days after notice thereof.

4. B. Pending final disposition by this Court, Defendants agree not to terminate any provider on grounds that the member hospital has billed willing liability insurance carriers, filed liens, or received payment from said carriers before the date of entry of this Stipulation and Order under the circumstances as described in 42 U.S.C. 1395y(b)(1) or any manual provisions, directives, instructions, or rules or regulations, existing or proposed, that interpret or implement 42 U.S.C. 1395y(b)(1). If defendants prevail, defendants will allow hospitals which have not complied thirty (30) calendar days to come into compliance.

5. A. Regardless of the outcome of this litigation, any member hospital which has collected or received funds from liability insurance and retained such funds in the manner described at paragraphs 1, 2, and 3 hereof, shall be entitled to payment in an amount equal to the amount Medicare would have paid under prevailing policy, principles and law, in each case, plus appropriate deductible and coinsurance amounts, as if the member hospital had billed Medicare initially and had not sought recovery from liability insurance. In the event it becomes necessary for a member hospital to bill Medicare for reimbursement for care provided in such cases, such bill shall be considered timely notwithstanding any other rule, law, regulation, policy, or procedure that

might have otherwise barred such claim, provided that the bill is submitted to Medicare not later than sixty (60) calendar days after the entry of a final order in this case.

5. B. If the defendant prevails in this litigation, member hospitals establishing accounts as provided at paragraphs 1, 2, and 3 hereof shall disburse to Medicare or the beneficiary, as the Court may direct, the contents of such accounts by check or other legally negotiable instrument payable jointly to the appropriate Medicare beneficiary and to the Health Care Financing Administration, except as the Court may otherwise direct. Medicare agrees to accept responsibility for refunding the beneficiary as required by law. If plaintiff prevails in this litigation, member hospitals shall be entitled to such contents.

6. All parties agree that this Court is a proper forum in which to litigate the issues set out in the Complaint filed herein by the AHA, and neither party shall seek any other forum in which to litigate those issues. Defendants and AHA, individually and on behalf of its members, further agree to be bound by the determination of this court, subject to any appeal therefrom which may be available.

7. All member hospitals of the AHA shall have the benefit of this stipulation and order, except those that are plaintiffs in *Oregon Association of Hospitals, et al. v. Bowen*, CA No. CV 88-625FR, U.S.D.C. (Oregon) including the Oregon Association of Hospitals and its members listed therein. AHA shall provide, within fourteen (14) days, HCFA a list of its member hospitals.

8. In the event that either party is notified of a claim that the terms of this stipulation and order work an extreme financial hardship upon any beneficiary or provider, the parties hereto shall confer to determine if such situation can be resolved. If the situation cannot be resolved by such negotiations, the parties may seek the guidance of this Court.

9. The Court acknowledges that because of the agreement of the parties reflected in this stipulation and order, plaintiff AHA voluntarily withdraws at this time its Motion for Preliminary Injunction.

10. Counsel, by their signatures, warrant that they are authorized to agree to the terms of this Stipulation and Order on behalf of the parties they represent.

Dated: August 19, 1988.

Sheila Lieber,
Renee M. Wohlenhaus,
Attorneys, Department of Justice, Civil
Division, Room 3324, 10th & Pennsylvania
Avenue, N.W., Washington, D.C. 20530, Tel:
(202) 633-2205.

Of Counsel:

Thomas K. Stuber,
Office of General Counsel, United States
Department of Health and Human Services,
Baltimore, Maryland.

Attorneys for Defendants.

Dated: August 19, 1988.

Gregory M. Luce,
Irwin Cohen,
Dan M. Peterson,
Mark D. Gustafson,
Fulbright & Jaworski,
1150 Connecticut Avenue, N.W., Suite 400,
Washington, D.C. 20036, Tel: (202) 452-6800.

Of Counsel:

Michael F. Anthony,
Margaret J. Hardy,
Ann L. Treimer.

Attorneys for Plaintiff.

Royce C. Lamberth,
U.S. District Judge.

It is so Ordered.

Dated: August 24, 1988.

[FR Doc. 89-27104 Filed 11-15-89; 8:45 am]
BILLING CODE 4120-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88-186; RM-6246]

Radio Broadcasting Services; Prairie du Chien, Wisconsin

AGENCY: Federal Communications
Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 232C2 for Channel 232A at Prairie du Chien, Wisconsin, and modifies the license of Station WPRE-FM to specify operation on the higher class co-channel, at the request of Prairie Broadcasting Company. See 53 FR 17232, May 16, 1988. This action provides the community with a first wide coverage area FM service. A 0.6 kilometer (0.4 mile) site restriction is required, at coordinates 43-02-49 and 91-08-59. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 26, 1989.

FOR FURTHER INFORMATION CONTACT:
Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-186, adopted October 23, 1989, and released November 9, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended, under Wisconsin, removing Channel 232A and adding Channel 232C2 at Prairie du Chien.

Karl A. Kensinger,
Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.

[FR Doc. 89-26865 Filed 11-15-89; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 91158-9258]

Foreign Fishing

AGENCY: National Marine Fisheries
Service (NMFS), NOAA, Commerce.

ACTION: Final rule; technical
amendment.

SUMMARY: NOAA issues this final rule to implement a technical amendment to the foreign fishing regulations. This is a housekeeping rule that changes the addresses of the Northeast Regional Office and the Foreign Fisheries Observer Program, which were recently moved, and makes other minor corrections to Appendix A of Subpart A. The intent is to correct and update Appendix A in order to expedite the transfer of messages and reports from the designated representatives of foreign fishing vessels to NMFS.

EFFECTIVE DATE: November 16, 1989.

FOR FURTHER INFORMATION CONTACT:

Patricia Gerrior (Chief, Foreign and Domestic Sea Sampling Investigation), 508-548-5123, ext. 291.

SUPPLEMENTARY INFORMATION: The changes to 50 CFR part 611 implemented by this rule are required because of recent changes in the addresses of the Northeast Regional Office, NMFS, and the Foreign Fisheries Observer Program; the administrative separation of the Northwest Science Center and the Alaska Science Center; and other minor changes in addresses and contacts. The changes are necessary to expedite the transfer of required messages and reports from designated representatives of foreign fishing vessels to NMFS. These reports include Activity Reports, Weekly Reports, and Effort Plans, which are essential for the monitoring of foreign fishing operations; there is no change in the number or type of reports required. In addition, other corrections, such as routing codes, are made to appendix A to reflect administrative changes that have occurred since the tables were last updated.

Classification

This final rule, technical amendment, is issued under 50 CFR part 611. Because this rule only makes minor, non-substantive corrections, the Assistant Administrator for Fisheries, NOAA, finds that it is unnecessary under 5 U.S.C. 553(b)(B) to provide for prior public comment and that there is good cause under 5 U.S.C. 553(d) not to delay for 30 days its effective date. Additionally, the prior public comment and delay of effective date requirements of 5 U.S.C. 553 are inapplicable under paragraph (a)(2) of that section because the changes reflect an agency management directive.

Because this rule is being issued without prior comment, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act and none has been prepared.

This rule is minor and technical in nature and therefore is not a major rule under Executive Order 12291. There is no change in the regulatory impacts previously reviewed and analyzed.

This rule does not contain policies with federalism implications sufficient

to warrant preparation of a federalism assessment under E.O. 12612.

This rule does not contain a collection-of-information requirement for the purpose of the Paperwork Reduction Act.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Dated: November 9, 1989.

James E. Douglas, Jr.

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Part 611 is amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for 50 CFR part 611 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 971 *et seq.*, 22 U.S.C. 1971 *et seq.*, and 16 U.S.C. 1361 *et seq.*

Appendix A to Subpart A—[Amended]

2. Table 1 of appendix A to subpart A is revised to read as follows:

TABLE 1.—ADDRESSES

NMFS Regional Directors	NFS Science and Research Directors	U.S. Coast Guard Commanders
Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester MA 01930; Telex: 940007; FAX: (508) 281-9333; Telephone: (508) 281-9300.	Director, Northeast Fisheries Center, National Marine Fisheries Service, NOAA, Woods Hole, MA 02543, Attn: Observer Program; Telex: 322200; FAX: (508) 548-5123 x258; Telephone: (508) 548-5123.	Commander, Atlantic Area, U.S. Coast Guard, Governor's Island, New York, NY 10004; Telex: 126831; Telephone: (212) 668-7877.
Director, Southeast Region, National Marine Fisheries Service, NOAA, 9450 Koger Boulevard, St. Petersburg, FL 33702; Telephone: (813) 893-3141.	Director, Southeast Fisheries Center, National Marine Fisheries Service, NOAA, 75 Virginia Beach Drive, Miami, FL 33149; Telephone: (305) 361-4284.	As above.
Director, Northeast Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, Northeast, BIN C15700, Seattle, WA 98115; Telex: 9104442786; FAX: (206) 526-6426; Telephone: (206) 526-6150.	Director, Northwest Fisheries Science Center, National Marine Fisheries Service, NOAA, 2725 Montlake Boulevard East, Seattle, WA 98112; FAX: (206) 442-4304; Telephone: (206) 442-1872.	Commander, Pacific Area, U.S. Coast Guard, Government Island, Alameda, CA 94501; Telex: 172343; Telephone: (415) 437-3700.
Director, Alaska Region, National Marine Fisheries Service, NOAA, P.O. Box 1668, Juneau, AK 99801; Telex: 09945377; Telephone: (907) 586-7221.	Director, Alaska Fisheries Science Center, National Marine Fisheries Service, NOAA, 7600 Sand Point Way Northeast, BIN C15700, Bldg. 4, Seattle, WA 98115; Telex: 329422; FAX: (206) 526-4004; Telephone: (206) 526-4000.	Commander, Seventeenth Coast Guard District, P.O. Box 3-5000, Juneau, AK 99801; Telex: 45305; Telephone: (907) 586-7200, after hours: (907) 586-7340.
Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, CA 90731; Telephone: (213) 548-2575.	Director, Southwest Fisheries Center, National Marine Fisheries Service, NOAA, P.O. Box 271, La Jolla, CA 92038; Telephone: (619) 453-2820.	Commander, Fourteenth Coast Guard District, 300 Ala Moana Boulevard, Honolulu, HI 96813; Telex: 392401; Telephone: (808) 546-7597.

3. Table 2 of Appendix A to Subpart A is revised to read as follows:

TABLE 2—AREAS OF RESPONSIBILITY OF NMFS AND U.S. COAST GUARD OFFICES

Area of responsibility	Fishery	National Marine Fisheries Service	U.S. Coast Guard
Atlantic Ocean North of Cape Hatteras...	Northwest Atlantic Ocean Fishery, including the Hake Fishery.	Director, Northeast Center, Attn: Observer Program.	Commander, Atlantic Area.
Atlantic Ocean South of Cape Hatteras...	Atlantic Billfish and Sharks Fishery.....	Director, Northeast Center, Attn: Observer Program.	Commander, Atlantic Area.
Gulf of Mexico	Royal Red Shrimp Fishery		
Caribbean Sea			
Pacific Ocean off the States of California, Oregon, and Washington.	Pacific Coast Groundfish Fishery	Director, Northwest Region.....	Commander, Pacific Area.

TABLE 2—AREAS OF RESPONSIBILITY OF NMFS AND U.S. COAST GUARD OFFICES—Continued

Area of responsibility	Fishery	National Marine Fisheries Service	U.S. Coast Guard
North Pacific Ocean and Bering Sea off Alaska.	Gulf of Alaska Groundfish Fishery.....	Director, Northwest Fisheries Science Center. Director, Alaska Region.....	Commander, Seventeenth Coast Guard District.
	Bering Sea and Aleutian Islands Groundfish Fishery. Snail Fishery	Director, Alaska Fisheries Science Center.	
Pacific Ocean off Hawaii and Other U.S. Insular Possessions in the Central and Western Pacific.	Seamount Groundfish Fishery.....	Director, Southwest Region.....	Commander, Fourteenth Coast Guard District.
	Pacific Billfish, Oceanic Sharks, Wahoo, and Mahi-Mahi Fishery. Precious Coral Fishery.....	Director, Southwest Center.....	

4. Table 4 of Appendix A to Subpart A, including the accompanying

abbreviations, is revised to read as follows:

TABLE 4—ADDRESSES FOR REPORTS AND SUBMITTALS

Fishery	Permit applications § 611.3(d)	Activity reports § 611.4(c)	Weekly reports § 611.4(f)	Effort plan § 611.8(b)	Gear conflicts § 611.12(b)	Permit fees, poundage fees, surcharges, and observer fees § 611.22
Northwest Atlantic Ocean Fishery, including the Hake Fishery.	DOS	CG Atlantic Area, and NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program, and NMFS-F/EN13.	CG Atlantic Area.....	NMFS-F/CM1.
Atlantic Billfish and Sharks Fishery.	DOS	CG Atlantic Area, and NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program.	NMFS-NEC, Attn: Observer Program, and NMFS-F/EN13.	CG Atlantic Area.....	NMFS-F/CM1.
Royal Red Shrimp Fishery.	DOS	CG Pacific Area, and NMFS-NWR.	NMFS-NWR.....	NMFS-AKC, and NMFS-F/EN13.	CG Pacific Area.....	NMFS-F/CM1.
Pacific Coast Groundfish Fishery..	DOS	CG District 17, and NMFS-AKR.	NMFS-AKR.....	NMFS-AKC, and NMFS-F/EN13.	CG District 17.....	NMFS-F/CM1.
Gulf of Alaska Groundfish Fishery.	DOS					
Bering Sea and Aleutian Islands Groundfish Fishery.						
Snail Fishery.....						
Seamount Groundfish DOS Fishery.	DOS	CG District 14, and NMFS-SWR.	NMFS-SWR.....	NMFS-SWR, and NMFS-F/EN13.	CG District 14.....	NMFS-F/CM1.
Pacific Billfish, Oceanic Sharks, Wahoo, and Mahimahi Fishery.						
Precious Coral Fishery						

Abbreviations:

DOS—Department of State, OES-OFA, Washington, DC 20520.
 NMFS-F/EN13—Chief, Office of Enforcement, National Marine Fisheries Service, Silver Spring Metro Center 1, 1335 East-West Highway, Silver Spring, MD 20910, Attn: F/EN13.
 NMFS-F/CM1—Chief, Operations Support and Analysis Division, National Marine Fisheries Service, Silver Spring Metro Center 1, 1335 East-West Highway, Silver Spring, MD 20910, Attn: F/CM1.
 NMFS-NWR—Director, Northwest Region (See Table 1).
 NMFS-AKR—Director, Alaska Region (See Table 1).
 NMFS-SWR—Director, Southwest Region (See Table 1).
 NMFS-NEC—Director, Northeast Fisheries Center (See Table 1).
 NMFS-AKC—Director, Alaska Fisheries Science Center (See Table 1).
 CG Atlantic Area—Commander, Atlantic Area (See Table 1).
 CG Pacific Area—Commander, Pacific Area (See Table 1).
 CG District 14—Commander, Fourteenth Coast Guard District (See Table 1).
 CG District 17—Commander, Seventeenth Coast Guard District (See Table 1).

[FR Doc. 89-26956 Filed 11-5-89; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 652

[Docket No. 81133-9030]

Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of surf clam trip landing limits.

SUMMARY: NOAA issues this notice to impose limits on the amount of surf clams that may be landed during a fishing trip in the Nantucket Shoals Area. This action is necessary to reduce the rate of harvest from the fishery. The intended effect is to match fishing effort

to the amount of available quota for the area.

EFFECTIVE DATES: November 9, 1989 through December 30, 1989.

FOR FURTHER INFORMATION CONTACT: John G. Terrill, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930-2298, telephone 508-281-9252.

SUPPLEMENTARY INFORMATION: Regulations implementing the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) contain at 50 CFR 652.22(b)(2)(ii) a provision allowing the Regional Director to impose trip landing limits to reduce harvest of surf clams from the Nantucket Shoals Area when the harvest in that area reaches, or is likely to reach, 50 percent of a quarterly quota.

Landings have consistently exceeded quarterly quotas established for the area. For the first quarter, the quota of 40,000 bushels was exceeded by 6,000 bushels. The second quarter cumulative quota of 100,000 bushels was exceeded by 18,000 bushels. The harvest through the third quarter of 168,000 bushels exceeded the cumulative quota of 160,000 bushels by 8,000 bushels. Landings through October 20, 1989, have totaled 185,000 bushels which exceeds the 50 percent point of 180,000 bushels for the cumulative quota for the four quarters. If this rate is allowed to continue it will necessitate an early closure of the Nantucket Shoals Area where the quota would be reached by mid-November.

Trip limits were not imposed in previous quarters even though the quarterly quotas were exceeded due to the expectation that harvest rates would decrease as occurred last year and vessels would switch to the Georges Bank Area. This did not occur and the problem was further compounded by the closure in August (54 FR 33700, August 16, 1989) of the Georges Bank Area to the harvest of surf clams after paralytic shellfish poisoning was discovered. Two vessels that had been working the Georges Bank Area restricted their trips to the Nantucket Shoals Area thus increasing the overall catch rate in Nantucket Shoals. It is necessary to continue the emergency closure in the Georges Bank Area, thus no change in effort on Nantucket Shoals is expected until the more severe weather starts.

The Regional Director discussed these harvest statistics with the Mid-Atlantic and New England Fishery Management Councils at their October meetings and recommended that catch limits be imposed at the minimum amount specified in the FMP. This will allow the harvest to continue while reducing the possibility of an early closure. Should a

closure become necessary, notice will be published in the *Federal Register* as required by § 652.22(d).

The trip landing limits implemented by this notice are: (1) For vessels between 0 and 50 gross registered tons, 224 bushels/trip; (2) for vessels between 51 and 100 gross registered tons, 768 bushels/trip. No vessels harvesting surf clams in the Nantucket Shoals Area after November 9, 1989, may land more than the amount indicated above for its size class. These trip limits will expire at the end of the quarter, December 30, 1989, unless adjusted, cancelled, or superseded by closure of the fishery.

Other Matters

This action is taken under the authority of 50 CFR part 652 and is taken in compliance with Executive Order 12291.

List of Subject in 50 CFR Part 652

Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 9, 1989.

Richard H. Schaefer,

Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-26888 Filed 11-9-89; 4:18 pm]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 90407-9170]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of inseason adjustment.

SUMMARY: NOAA announces the reapportionment and release of amounts of Alaska groundfish to the joint venture processing (JVP) portion of the domestic annual harvest (DAH). This action, taken under provisions of the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP), is necessary to assure optimum use of groundfish in that area. It is a conservation and management measure intended to promote fishery objectives of the North Pacific Fishery Management Council and to promote the foreign policy objectives of the United States.

DATES: This notice is effective November 9, 1989. Comments will be accepted through November 24, 1989.

ADDRESS: Comments should be mailed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The FMP is implemented by rules appearing at 50 CFR 611.93 and part 675.

Initial specifications for DAH, domestic annual processing (DAP), and JVP for 1989 were published at 54 FR 36095. The same notice established a 15 percent non-specific reserve and then apportioned amounts from that reserve to JVP in order to provide bycatch amounts for JVP fisheries.

In the Bering Sea subarea, the amounts of pollock, yellowfin sole, other flounders, Pacific cod and rock sole available for joint venture operations (JVP) were increased in early September (54 FR 37112, September 7, 1989) based on new information about potential DAP needs. Later in September (54 FR 38686, September 20, 1989) the amount available for DAP operations for Atka mackerel was supplemented by 3,043 metric tons (mt) from the non-specific reserve. On October 6, 1989 (54 FR 41977, October 13, 1989) the DAP for Greenland turbot was supplemented by 1,200 mt and the JVP for arrowtooth flounder was supplemented by 2,000 mt from the non-specific reserve. On October 31 (54 FR 46619, November 6, 1989) the amount of sablefish specified for DAP operations in the Bering Sea subarea and the Aleutian Islands subarea were supplemented by 420 mt and 510 mt, respectively, from the non-specific reserve.

On October 13, the Region completed an analysis of DAP needs for pollock for the remainder of 1989. The Region concluded that DAP operations for pollock in the Bering Sea subarea would require a supplement from the non-specific reserve of 21,000 mt before the end of the year. The Region also concluded that 9,000 mt of Aleutian subarea pollock originally specified for DAP was in excess of DAP needs.

Reapportionment (Table 1)

In the Bering Sea subarea, the following action is taken by this notice to release pollock from the non-specific reserve to the BSA JVP: 2,500 mt is

released from the non-specific reserve to JVP.

In the Aleutian Islands, the following action is taken by this notice to reapportion pollock from DAP to JVP: 4,500 mt of the amount identified as in excess of DP needs is reapportioned from DAP to JVP.

In the BSAI, the following actions are taken by this notice to release groundfish from the non-specific reserve to JVP: 50 mt of squid is released from the non-specific reserve to JVP and 500 mt of "other species" are released from the non-specific reserve to JVP. JVP fisheries have experienced greater than

anticipated catches of squid and "other species" and rather than requiring discards of fish, this action would allow the bycatch of these categories of fish to be retained.

Classification

This action is taken under the authority of 50 CFR 675.20(b) and complies with Executive Order 12291.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment. Immediate effectiveness of this notice is necessary to avoid waste and to benefit domestic fishermen

who otherwise would be required to terminate a fishery earlier than necessary. However, interested persons are invited to submit comments in writing to the address above for 15 days after the effective date of this notice.

List of Subjects in 50 CFR Part 675

Fish, Fisheries, Reporting and recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 9, 1989.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

TABLE 1—BERING SEA/ALEUTIANS REAPPORTIONMENTS OF TAC

[All values are in metric tons]

		Current	This action	Revised
Pollock (Bering Sea).....	DAP	1,045,585		1,045,585
TAC=ABC=1,340,000.....	JVP	267,415	+2,500	272,915
Pollock (Aleutian Is).....	DAP	11,432	-4,500	6,932
TAC=13,450 ABC=117,900.....	JVP	0	+4,500	4,500
Squid.....	DAP	850		850
TAC=1,000 ABC=10,000.....	JVP	25	+50	75
Other Species.....	DAP	11,274		11,274
	JVP	4,000	+500	4,500
Total (TAC=2,000,000).....	DAP	1,350,487	-4,500	1,345,987
	JVP	604,089	+7,550	611,639
	Reserves	45,424	-3,050	42,374

[FR Doc. 89-26862 Filed 11-9-89; 4:18 pm]

BILLING CODE 3510-22-M

50 CFR Part 675

[Docket No. 90407-9170]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of prohibition of receipt of groundfish.

SUMMARY: NOAA announces the prohibition of receipt of certain groundfish by the joint venture processing (JVP) fishery in the Bering Sea Subarea. This prohibition applies to pollock taken in the directed fishing for that species. This action, taken under provisions of the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP), is necessary to assure optimum use of groundfish in that area. It is a conservation and management measure intended to promote fishery objectives of the North Pacific Fishery Management Council (Council).

DATES: Effective November 9, 1989. Comments will be accepted through November 24, 1989.

ADDRESS: Comments should be mailed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Janet E. Smoker (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION: The FMP is implemented by rules appearing at 50 CFR 611.93 and part 675.

The initial JVP for pollock in the Bering Sea subarea as 93,415 mt. In January, NOAA announced the prohibition of receipt by foreign processors of pollock taken in a directed fishery (54 FR 3608, January 25, 1989). A later action (54 FR 37112, September 7, 1989) apportioned sufficient amounts of Bering Sea subarea pollock (174,000 mt) to JVP to allow reopening of the directed fishery. An additional 2,500 mt was reapportioned in another notice action published in the same issue of the *Federal Register* as this notice. As of October 28, 37,672 mt remained uncaught in the 269,915 mt quota.

Two types of JVP fisheries have occurred during the fall opening, one for pollock and the other for yellowfin sole, flatfish, and rock sole. The latter fishery has a pollock bycatch which averages about 18 percent of the yellowfin sole taken. Under § 675.20(a)(7), the Regional Director has determined that 5,500 mt of the current JVP pollock quota is needed to provide retained bycatch amounts of pollock in the yellowfin sole fishery. At current catch rates, the remaining pollock will be taken on November 9.

Therefore, foreign processors are prohibited from receiving pollock taken in directed fisheries, effective noon, Alaska Standard Time, November 9, 1989.

Classification

This action is taken under the authority of 50 CFR 675.20(b) and complies with Executive Order 12291.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide prior notice and comment. Immediate effectiveness of this notice is necessary to prevent the harvest of pollock from exceeding the established JVP amount. However, interested persons are invited to submit

comments in writing to the address
above through November 24, 1989.

List of Subjects in 50 CFR Part 675

Fish, Fisheries, Reporting and
recordkeeping requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 9, 1989.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation
and Management, National Marine Fisheries
Service.

[FR Doc. 89-26863 Filed 11-9-89; 4:18 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 54, No. 220

Thursday, November 16, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

Bureau of the Census

15 CFR Part 30

[Docket No. 91037-9237]

RIN 0607-AA12

Foreign Trade Statistics; Amendment to the Foreign Trade Statistics Regulations

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is proposed to amend the Foreign Trade Statistics Regulations to raise the present exemption for filing Shipper's Export Declarations (except for shipments requiring a validated export license) from \$1,500 to \$2,500 in order to relieve documentation burden. The exemption for shipments through the U.S. Postal Service will remain at \$500 and there is no exemption for shipments requiring a validated export license.

DATE: Comments should be submitted on or before January 16, 1990.

ADDRESS: Send comments to the Director, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Don L. Adams, Chief, Foreign Trade Division, Bureau of the Census, (301) 763-5342.

SUPPLEMENTARY INFORMATION: The proposal to raise the minimum value requirement for the filing of Shipper's Export Declarations from the present level of \$1,501 to a new level of \$2,501, if implemented, is expected to reduce the number of required Shipper's Export Declarations by over 1.5 million documents per year. The proposed increase in the value limit is expected to increase the share of exempted shipments from about 2.0 percent of the overall value of exports to 3.0 percent. While there will be some loss of statistical detail at the more detailed levels (that is, commodity by country,

commodity by country by district, and so forth), the benefits accruing to both the public and the Census Bureau by the reduction in the number of Shipper's Export Declarations required to be filed and processed outweigh the anticipated loss in statistical detail. Raising the value exemption for filing Shipper's Export Declarations to \$2,500 is a change that relieves documentation burden.

This proposed amendment does not meet the criteria of a major rule as set forth in section 1(b) of Executive Order 12291; therefore, no Regulatory Impact Analysis is required. This proposed rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612. Pursuant to the Provisions of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354), the General Counsel of the Department of Commerce certified to the Small Business Administration that the proposed regulation, if promulgated, will not have a significant economic effect on a substantial number of small entities because it raises the exemption level thereby reducing the reporting requirements of smaller entities. This imposes no additional burden on the public thus satisfying the requirements of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

List of Subjects in 15 CFR Part 30

Economic statistics, Foreign trade, Reporting requirements.

To effect this change, it is proposed to amend the Foreign Trade Statistics Regulations (15 CFR part 30) as set forth below.

PART 30—[AMENDED]

1. The authority citation for part 30 continues to read as follows:

Authority: Title 13, United States Code, sections 301-307; and Title 5, United States Code, Section 301; Reorganization Plan No. 5 of 1950; Department of Commerce Organization Order No. 35-2A, August 4, 1975, 40 FR 42765.

2. Section 30.55 is amended by changing "\$1500" wherever it appears in paragraph (h) to "\$2500," so that as revised § 30.55(h) reads as follows:

§ 30.55 Miscellaneous exemptions.

(h) Shipments (except shipments requiring a validated export license and

excluding shipments through the U.S. Postal Service) between the United States and Puerto Rico, to the Virgin Islands of the United States, and to all countries except countries prohibited by the Export Administration Regulations of the Office of Export Administration (15 CFR parts 730-799), where the value of the commodities classified under a single Schedule B number and shipped on the same exporting carrier from one exporter to one importer is \$2,500 or under: Provided, however, that this exemption shall be conditioned upon the filing of such reports as the Bureau of the Census shall periodically require to compile statistics on \$2500-and-under shipments.

Dated: September 26, 1989.

C. L. Kincannon,
Deputy Director, Bureau of the Census,
Dennis M. O'Connell,
Director, Office of Trade and Tariff Affairs,
Treasury Department.
[FR Doc. 89-26859 Filed 11-15-89; 8:45 am]
BILLING CODE 3510-07-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR 117

[CGD2 89-03]

Drawbridge Operation Regulations; Ouachita River, AR

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering a change to the regulations governing the St. Louis Southwestern Railroad Bridge, Mile 338.8, presently listed as located at Mile 331.4, near Camden, Arkansas to provide that the draw need not be opened for the passage of vessels. This proposal is being made because no requests have been made to open the draw for more than 20 years. This action will relieve the bridge owner of the burden of maintaining the machinery and of having a person available to open the draw, and still provide for the reasonable needs of navigation.

DATE: Comments must be received on or before December 18, 1989.

ADDRESSES: Comments should be mailed to Commander (ob), Second Coast Guard District, 1430 Olive Street, St. Louis, MO 63103-2398. The comments and other materials referenced in this notice will be available for inspection and copying at 1430 Olive Street, Room 400, St. Louis, MO 63103-2398. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, 314-425-4607.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Second Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Wanda G. Renshaw, project officer, and LT M. A. Suire, project attorney, Second District Legal Office.

Discussion of Proposed Regulations

This swing-span drawbridge is presently required to open on signal if at least 48 hours notice is given. The existing regulation lists the location of the bridge as Mile 331.4. The Coast Guard has confirmed that the actual location of the structure is Mile 338.8. The Corps of Engineers reports that the federally authorized navigation project for channel maintenance on the Ouachita River extends to Mile 337.0. The bridge owner reports that the notice requirement notwithstanding they have received no requests to open the bridge in over 20 years. This change will relieve the bridge owner of the burden of maintaining machinery and personnel for requests which don't materialize; yet, create no significant impact on the reasonable needs of navigation.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the Department of Transportation regulatory policies and procedures published at 44 FR 11034 on February 26, 1979. The economic impact of this proposal is

expected to be so minimal that a full regulatory evaluation is unnecessary. This determination is based on the reported information that no requests for openings have been made for more than 20 years. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Federalism Implications Assessment

This action has been analyzed under the principles and criteria in Executive Order 12612, and it has been determined that this proposed regulation does not have sufficient federalism implications to warrant preparation of a federal assessment.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-(g).

2. Section 117.133 is revised to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.133 Ouachita River

(a) The draw of the Chicago, Rock Island and Pacific Railroad Bridge, Mile 291.7 at Calion, shall open on signal if at least 24 hours notice is given, except as follows:

(1) Any vessel that requires the opening of the draw and that intends to return within 24 hours shall inform the drawtender of the probable time of return. The draw shall open for the returning vessel without further notice.

(2) When the pool stage is above 21 feet on the upper gauge at Lock and Dam No. 8, the Commander, Second Coast Guard District, notifies the bridge owner, who is then given one day in which to place a drawtender in constant attendance and open the draw on signal.

(b) The draw of the St. Louis Southwestern Railroad Bridge, Mile 338.8 near Camden, need not be opened for the passage of vessels.

Dated: November 1, 1989.

W. J. Ecker,

Rear Admiral, Commander, Second Coast Guard District.

[FR Doc. 89-26917 Filed 11-15-89; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-490, RM-6751]

Radio Broadcasting Services; Kealahakua, HI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Kona Broadcasting Systems, Inc., proposing the substitution of Channel 241C for Channel 221A at Kealahakua, Hawaii, and the modification of its license for Station KOAS(FM) to specify operation on the higher powered channel. Channel 241C can be allotted to Kealahakua in compliance with the Commission's minimum distance separation requirements. The coordinates for this allotment are North Latitude 19-43-07 and West Longitude 155-54-38.

DATES: Comments must be filed on or before January 1, 1990, and reply comments on or before January 17, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Rainer K. Kraus, Koteen & Naftalin, 1150 Connecticut Avenue, NW., Washington, DC 20554 (Attorney for petitioner).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-490, adopted October 23, 1989, and released November 9, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in

Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-26866 Filed 11-15-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-488, RM-6932]

Radio Broadcasting Services; Chenango Bridge, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition on Northeastern Broadcasting, Inc., seeking the allotment of Channel 281A to Chenango Bridge, New York, as its first local FM service. Petitioner is requested to provide further information concerning the status of Chenango Bridge as a community for allotment purposes. Channel 281A can be allotted to Chenango Bridge in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 42-10-12 and West Longitude 75-52-24. Canadian concurrence is required since Chenango Bridge is located within 320 kilometers of the U.S.-Canadian border.

DATES: Comments must be filed on or before January 2, 1990, and reply comments on or before November 9, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert A. Lynch, Independent Broadcast Consultants, Inc., 110 County Road 146, RFD 1, Box 312, Trumansburg, New York 14886 (Consultant to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No.

89-488, adopted October 23, 1989, and released November 9, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-26867 Filed 11-15-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-489, RM-6955]

Radio Broadcasting Services; Barnwell, SC

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Radio WBAW, Inc. seeking the substitution of Channel 256C3 for Channel 256A at Barnwell, South Carolina, and the modification of its license for Station WBAW-FM accordingly. Channel 256C3 can be allotted to Barnwell in compliance with the Commission's minimum distance separation requirements and can be used at Station WBAW-FM's present transmitter site. The coordinates for this allotment are North Latitude 33-13-25 and West Longitude 81-21-35. In accordance with § 1.420(g) of the Commission's Rules, we

will not accept competing expressions of interest in use of Channel 256C3 at Barnwell or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before January 2, 1990, and reply comments on or before January 17, 1990.

ADDRESS: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence J. Bernard, Jr., Esq., Ward & Mendelsohn, P.C., 1100-17th Street, NW., Suite 900, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-489, adopted October 23, 1989, and released November 9, 1989. The full text of the Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceedings.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-26868 Filed 11-15-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73**[MM Docket No. 89-487, RM-6855]****Radio Broadcasting Services;
Randolph and Brandon, VT****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition by Stokes Communications Corporation, licensee of Station WCVR-FM, Randolph, Vermont, proposing the substitution of Channel 271C3 for Channel 272A at Randolph, and the modification of Station WCVR-FM's license to specify the higher class channel. In order to accomplish the substitution at Randolph, Channel 268A must be substituted for vacant but applied for Channel 270A at Brandon, Vermont. Channel 271C3 at Randolph requires a site restriction of 9.1 kilometers (5.6 miles) northeast of the city. The coordinates are 43-59-30 and 72-36-18. A site restriction of 2.5 kilometers (1.5 miles) east of Brandon is required for Channel 268A at that community. The coordinates are 43-47-42 and 73-03-40. Concurrence of the Canadian government is also required for the proposal.

DATES: Comments must be filed on or before January 2, 1990, and reply comments on or before January 17, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Richard R. Zaragoza, Esquire, John Joseph McVeigh, Esquire, Fisher, Wayland, Cooper and Leader, 1255 23rd Street, NW., Suite 800, Washington, DC 20037-1125 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-487, adopted October 19, 1989, and released November 7, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contract.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-26869 Filed 11-15-89; 8:45am]

BILLING CODE 6712-01-M

47 CFR Part 73**[MM Docket No. 89-486, RM-6913]****Radio Broadcasting Services;
Kaukauna and Cleveland, WI****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition by WinCom Wisconsin Limited Partnership, licensee of Station WKFX(FM), Channel 285A, Kaukauna, Wisconsin, proposing the substitution of Channel 276C3 for Channel 285A at Kaukauna, and the modification of its station's license accordingly. In order to accomplish the upgrade at Kaukauna, the proposal requires the substitution of Channel 251A for Channel 276A at Cleveland, Wisconsin, and the modification of the license of Station WKTT(FM) at Cleveland to specify operation on the new frequency. Channel 276C3 can be allotted to Kaukauna with a site restriction of 20.9 kilometers (18.6 miles) northeast, at coordinates 44-21-00 and 88-02-00. Channel 251A can be used at the current transmitter site of Station WKTT(FM). The coordinates are 43-59-11 and 87-45-53. The proposal could provide Kaukauna with its first wide coverage area FM service.

DATES: Comments must be filed on or before January 2, 1990, and reply comments on or before January 17, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Brian M.

Madden, Esquire, Robert Clifton Burns, Esquire, Cohn and Marks, 1333 New Hampshire Ave., NW., Suite 600, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 89-486, adopted October 19, 1989, and released November 9, 1989. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-26870 Filed 11-15-89; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF DEFENSE**Department of the Navy****48 CFR Parts 5243 and 5252****Navy Acquisition Procedures
Supplement; Adjustments to Prices
Under Shipbuilding Contracts****AGENCY:** Department of the Navy, DOD.**ACTION:** Proposed rule and request for comments.

SUMMARY: The Department of the Navy is promulgating part 5243, subpart 5243.70, of the Navy Acquisition Procedures Supplement (NAPS) to

restrict contract price adjustments under shipbuilding contracts, thus implementing by regulation the requirements of 10 U.S.C. 2405. The Department is also promulgating an amendment to part 5252 to add the text of a solicitation provision and two contract clauses.

DATES: Public comments are solicited and should be received by January 18, 1990.

ADDRESS: Interested parties should submit written comments to: Office of the Assistant Secretary of the Navy (Shipbuilding and Logistics), ATTN: Mr. Richard Moye, CBM-AP, Washington, DC 20360-5900.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Moye, OASN(S&L) CBM-AP, (202) 692-3558.

SUPPLEMENTARY INFORMATION:

A. Background

10 U.S.C. 2405 prohibits the Secretary of a military department from making a price adjustment to a shipbuilding contract, entered into after 7 December 1983, for an amount set forth in a claim, request for equitable adjustment, or demand for payment (or incurred due to the preparation, submission, or adjudication of any such claim, request for equitable adjustment, or demand for payment) arising out of events occurring more than 18 months before submission of the claim, request for equitable adjustment, or demand for payment.

10 U.S.C. 2405 further provides that a claim, request for equitable adjustment, or demand for payment is submitted on the date the contractor's submission is received by the contracting officer accompanied by the supporting data for the claim, request for equitable adjustment, or demand for payment and the certification required by section 6(c)(1) of the Contract Disputes Act.

The 18-month limitation was originally enacted in the DOD Appropriations Act for Fiscal Year (FY) 1984 (Pub. L. 98-212), reenacted in the DOD Appropriations Act for FY 1985 (Pub. L. 98-473), and reenacted as permanent legislation in the DOD Authorization Act for FY 1985 (Pub. L. 98-525). Implementing regulations were incorporated by DOD in Defense Federal Acquisition Regulation Supplement (DFARS) subpart 243.70 (now included at 48 CFR 243.70) on 25 July 1985 and published in Defense Acquisition Circular 84-12.

Guidance on interpretation and application of the legislation was informally circulated by the Navy among shipbuilders for comment in July 1989. Comments were considered in drafting the proposed rule, which is the

Navy regulation for implementing 10 U.S.C. 2405.

The proposed rule defines the terminology of the statute. It promulgates the solicitation provisions and contract clauses necessary to be included in shipbuilding contracts. The proposed rule also specifies the supporting documentation that should be included, and the certification required of shipbuilders, when claims, requests for equitable adjustment or demands for payment are submitted. In summary, the proposed rule is intended to clarify the meaning and insure the consistent interpretation, implementation and administration of the statute.

B. Summary of Major Provisions

(1) *Subpart Scope.* Section 5243.7001 of the proposed rule describes the scope of subpart 5243.70.

(2) *Definitions.* Section 5243.7002 of the proposed rule defines the terminology of the statute, including the terms "claims," "demand for payment," "event," "price adjustment," "request for equitable adjustment," and "shipbuilding contract." Examples of "events" are also provided.

(3) *Prohibited Actions.* Section 5243.7003 of the proposed rule identifies restrictions on contracting officer authority to make price adjustments to shipbuilding contracts.

(4) *Documentation and Certification.* Proposed section 5243.7004 describes the certification required of shipbuilders. The proposed rule also describes the minimum supporting information that should be submitted.

(5) *Provisions and Clauses.* Proposed section 5243.7005 identifies the notice provision to be included in all shipbuilding solicitations and clauses detailing certification and supporting data requirements to be included in all shipbuilding contracts. These provisions and clauses are included in new sections 5252.243-9000 through 5252.243-9002.

C. Paperwork Reduction Act

The proposed rule contains no new information collection or recordkeeping requirement under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*). Supporting data requirements identified in the proposed rule include only data already required to be maintained by shipbuilding contractors.

D. Regulatory Flexibility Act Information

The proposed rule will have no economic impact upon small entities within the meaning of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601, *et*

seq. The statute has been implemented in DFARS since 1985, affecting all shipbuilders, large and small. The proposed NAPS rule will benefit the Navy and its shipbuilding contractors by insuring uniform application of the law. Therefore, no regulatory flexibility analysis has been performed.

List of Subjects in 48 CFR Parts 5243 and 5252.

Contract modifications, Documentation requirements, Government procurement, Shipbuilding Contracts, Solicitation provisions and contract clauses.

It is proposed to amend Title 48 of the Code of Federal Regulations as follows:

1. By adding part 5243 to read as follows:

PART 5243—CONTRACT MODIFICATIONS

Subpart 5243.70—Adjustments to Prices Under Shipbuilding Contracts

Sec.	
5243.7001	Adjustments to prices under shipbuilding contracts.
5243.7002	Definitions.
5243.7003	Prohibited actions and procedures.
5243.7004	Documentation and certification requirements.
5243.7005	Solicitation provision and contract clause.

Authority: 5 U.S.C. 301, 10 U.S.C. 2405, DOD Directive 5000.35

Subpart 5243.70—Adjustments to Prices Under Shipbuilding Contracts

5243.7001 Adjustments to prices under shipbuilding contracts.

(a) 10 U.S.C. 2405 prohibits the Secretary of a military department from making a price adjustment to a shipbuilding contract, entered into after December 7, 1983, for an amount set forth in a claim, request for equitable adjustment, or demand for payment (or incurred due to the preparation, submission, or adjudication of any such claim, request for equitable adjustment, or demand for payment) arising out of events occurring more than 18 months before the submission of the claim, request for equitable adjustment, or demand for payment.

(b) 10 U.S.C. 2405 provides that a claim, request for equitable adjustment, or demand for payment is submitted on the date the contractor's submission is received by the contracting officer accompanied by the supporting data for the claim, request for equitable adjustment, or demand for payment and the certification required by section 6(c)(1) of the Contract Disputes Act, if the matter is over \$50,000.

(c) This subpart implements 10 U.S.C. 2405.

5243.7002 Definitions.

As used in this subpart, the following terms have the meaning set forth below.

"Claim" means a written demand or written assertion by the contractor seeking, as a matter of right, a price adjustment to the contract. The theory upon which the contractor seeks the price adjustment does not determine whether a particular matter is a claim. The term includes a submission asserting any theory supporting a price adjustment, including but not limited to constructive change, breach of contract or mistake, which, if valid, would result in contractor entitlement to a price adjustment. A claim does not include a request for equitable adjustment or demand for a payment, as defined below. As used in this subpart, a request for extraordinary contractual relief pursuant to Public Law 85-804 does not constitute a claim.

"Demand for payment" means a written demand for payment, other than routine payment in accordance with the payment terms of the contract. A routine invoice that does not seek, as a matter of right, payment of an amount in excess of the contract price is not a demand for payment; however, an invoice seeking interest or other amounts not included in the contract price does constitute a demand for payment.

"Event" means the action, inaction, conduct, or occurrence which gives rise to the contractor's claim, request for equitable adjustment, or demand for payment. Some examples of events are set forth below:

(a) Formal changes (including changes based on engineering changes proposals (ECPs) and non-engineering change proposals (NECPs)). The event for a formal written change, which is neither fully priced nor maximum priced prior to the contracting officer's authorization to proceed. The date the event occurs is the date of receipt of the contracting officer's authorization to proceed. This subpart does not apply to: (1) Bilateral changes which are fully priced or maximum priced prior to the contractor being authorized to proceed by the contracting officer, or (2) formal written changes authorized by the contracting officer which are fully priced or maximum priced within 18 months after the contractor has been authorized to proceed and which are based on a contractor proposal which contains adequate supporting data and, if the matter is over \$50,000, is certified in accordance with the requirements of section 6(c)(1) of the Contract Disputes Act. (See paragraph (b) of this definition

below for unilateral pricing actions related to maximum priced changes).

(b) Unilateral pricing of maximum priced modifications or any other modification which is not fully priced. If the contracting officer unilaterally establishes the price of a maximum priced formal change, or any other modification which is not fully priced at the time it is issued, the unilateral pricing action is an event subject to this subpart. The date the event occurs is the date of receipt of the contracting officer's determination by the contractor.

(c) Constructive changes. The event is the action or inaction upon which liability is based. The date the event occurs is the date of the action or inaction.

(d) Defective Government-furnished property (Government-furnished material, equipment, or information). The event is the direction from the contracting officer regarding correction, replacement or repair of the property. The date the event occurs is the date of receipt of the contracting officer's direction by the contractor.

(e) Late government-furnished property (Government-furnished material, equipment, or information). The event is the earlier of the actual delivery of the Government-furnished property to the contractor, or the notification from the contracting officer establishing a revised delivery date for the property. The date the event occurs is the earlier of the actual date the property is delivered to the contractor or the date of receipt of the contracting officer's notification of the revised delivery date of the property by the contractor.

(f) Defective Government specifications. The event occurs when the contracting officer directs corrective action. The date the event occurs is the date of receipt of the contracting officer's direction by the contractor.

"Price adjustment" means an increase in the fixed price, target price, ceiling price, or final price of a fixed price type contract, an increase in the fee structure of a cost reimbursement type contract, or monetary damages or other payment resulting from a contractor claim, request for equitable adjustment, or demand for payment. An adjustment to the sharing ratio or to any other pricing formula, procedure, or provision, or to the definition of types of costs to be included or excluded from the methodology employed to determine the final price, which has the effect of increasing the fixed price, target price, ceiling price, the final price, or the fee of the contract, is a price adjustment. A schedule adjustment, whether requested

as part of a submission seeking a price adjustment or as the sole relief, or an adjustment for any matter which, pursuant to the terms of the contract is separate from or not included in the fixed price, target price, ceiling price or final price of a fixed price contract or the fee structure of a cost reimbursement contract, is not a price adjustment.

"Request for equitable adjustment" means a written request for a price adjustment to the contract in accordance with the provisions of a clause which expressly provides for such a price adjustment. The definitization of a maximum priced modification, within the maximum price, is not considered to be a request for equitable adjustment.

"Shipbuilding contract" means a contract which provides for the construction of a ship which is of a type that is designated as a ship. (If the Navy is entering into a contract on behalf of another department, agency or activity of the federal Government, and either department, agency or activity involved designates the item being constructed as a ship, the contract is a shipbuilding contract). A contract which includes items in addition to the construction of a ship is a shipbuilding contract. A contract for the conversion, reactivation, overhaul, or repair of a ship is not a shipbuilding contract. A contract for the acquisition of any type of vessel which type is not designated as a ship is not a shipbuilding contract.

5243.7003 Prohibited actions and procedures.

(a) Contracting officers shall not make any price adjustment pursuant to any claim, request for equitable adjustment, or demand for payment submitted by a contractor seeking a price adjustment to a shipbuilding contract entered into after December 7, 1983, if the event giving rise to the claim, request for equitable adjustment, or demand for payment occurred more than 18 months prior to the date of receipt by the contracting officer of a claim, request for equitable adjustment, or demand for payment with adequate supporting data and, if the matter is over \$50,000 the certification required by Section 6(c)(1) of the Contract Disputes Act. Nothing contained in this subpart affects any matter which is fully priced within 18 months after the occurrence of the event.

(b) In reviewing a claim, request for equitable adjustment, or demand for payment to determine whether the matter, or any part of the matter, is subject to the prohibition set forth in

paragraph (a) of this section, contracting officers shall consider the theory upon which the contractor relies, the terms of the contract, and all pertinent actions of the parties. Unrelated matters or matters arising out of different events included in a single claim, request for equitable adjustment, or demand for payment shall be reviewed based on the event appropriate to each individual matter and a determination of the application of the prohibition set forth in paragraph (a) of this section shall be made for each such matter.

5243.7004 Documentation and certification requirements.

(a) For the purpose of this subpart, a claim, request for equitable adjustment, or demand for payment is not submitted until the contractor has furnished to the contracting officer adequate supporting data and, if the matter is over \$50,000, the certification required by Section 6(c)(1) of the Contract Disputes Act. If either the supporting data or the certification, if the matter is over \$50,000, is deficient, the claim, request for equitable adjustment, or demand for payment shall not be considered to be submitted until any such deficiency is corrected.

(b) Adequate supporting data.

(1) The contractor has the burden and obligation to provide adequate supporting data to the contracting officer. Adequate supporting data for a claim, request for equitable adjustment, or demand for payment is not only necessary to satisfy the statutory requirement, but also is essential to apprise the contracting officer of the underlying facts and the theory upon which the contractor relies in support of its entitlement to a price adjustment. To be considered adequate, a claim, request for equitable adjustment or demand for payment must be accompanied by supporting data in accordance with the requirements of a contract clause defining the documentation requirements for such matter, or, if there is no contract clause addressing the matter, at a minimum, the following information should be submitted:

(i) A narrative statement of the nature of the event, the time when the event occurred, and the causal relationship between the event and the impact on the cost of performance of the contract, including a description of how the event affected scheduled performance;

(ii) A description of the relevant effort the contractor was required to perform in the absence of the event;

(iii) A description of the relevant effort the contractor was actually required or will be required to perform;

(iv) A description of components, equipment, and other property involved;

(v) A cost breakdown of the additional effort by element in accordance with the contractor's normal procedures for pricing of changes;

(vi) A description of all property which will no longer be needed by the contractor;

(vii) A description of any delay caused by the event;

(viii) A description of any disruption caused by the event.

(2) If any submission does not contain the required adequate supporting data, the contractor shall be notified of the nature of the deficiency in the supporting data.

(c) Certification.

(1) A claim, request for equitable adjustment, or demand for payment in excess of \$50,000 must be certified in accordance with the requirements of Section 6(c)(1) of the Contract Disputes Act. (See FAR 33.207). If any submission does not contain a proper certification, the contractor shall be informed of any deficiency in the certification.

(2) A claim, request for equitable adjustment, or demand for payment certified in accordance with DFARS 233.7000(a) shall be considered to meet the certification requirements.

(3) Once a claim, request for equitable adjustment, or demand for payment has been properly certified, even if additional certifications are required of, or provided by, the contractor, the date of the original proper certification shall be operative for purposes of this subpart, unless the additional certification is required, or provided, because the contractor has submitted an essentially new claim, request for equitable adjustment, or demand for payment.

5243.7005 Solicitation provision and contract clause.

(a) The contracting officer shall insert the provision at 5252.243-9000, Notification of Applicability of 10 U.S.C. 2405, in all solicitations for shipbuilding contracts.

(b) The contracting officer shall insert the clause at 5252.243-9001, Requirements for Adequate Supporting Data and Certification of Any Claim, Request for Equitable Adjustment, or Demand for Payment, and at 5252.243-9002, Documentation of Requests for Equitable Adjustment, in shipbuilding contracts. Use of the clause at 5252.243-9002 is optional for nonshipbuilding contracts, and in such case, contracting officers may modify the clause at 5252.243-9002 as deemed appropriate.

PART 5252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

1. The authority citation is revised to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2405, DOD Directive 5000.35

2. Part 5252 is amended by adding new sections 5252.243-9000, 5252.243-9001 and 5252.243-9002 to read as follows:

5252.243-9000 Notification of applicability of 10 U.S.C. 2405.

As prescribed at 5243.7005(a), insert the following provision:

Notification of Applicability of 10 U.S.C. 2405 (1989)

The contract which will result from an award made pursuant to this solicitation is a shipbuilding contract, and, therefore, any claim, request for equitable adjustment, or demand for payment seeking a price adjustment to this contract submitted by the contractor is subject to 10 U.S.C. 2405.

(End of Clause)

5252.243-9001 Requirements for adequate supporting data and certification of any claim, request for equitable adjustment, or demand for payment.

As prescribed at 5243.7005(b), insert the following clause in full text:

Requirements for Adequate Supporting Data and Certification of Any Claim, Request for Equitable Adjustment, or Demand for Payment (1989)

(a) This contract is subject to 10 U.S.C. 2405; therefore, a price adjustment will not be made to this contract for an amount set forth in a claim, request for equitable adjustment, or demand for payment (or incurred due to the preparation, submission, or adjudication of any such claim, request for equitable adjustment, or demand for payment) arising out of events occurring more than 18 months before the submission of the claim, request for equitable adjustment, or demand for payment.

(b) A claim, request for equitable adjustment, or demand for payment is considered to be submitted on the date the contractor's submission is received by the contracting officer accompanied by adequate supporting data for the claim, request for equitable adjustment or demand for payment and the certification required by section 6(c)(1) of the Contract Disputes Act, if the matter is over \$50,000.

(c) Adequate supporting data includes all the information required by the clause of this contract entitled Documentation of Requests for Equitable Adjustment. For any matter not subject to the operation of that clause, adequate supporting data shall, at a minimum, include:

(1) A narrative statement of the nature of the event, the time when the event occurred, and the causal relationship between the event and the impact on the cost of

performance of the contract, including a description of how the event affected scheduled performance;

(2) A description of the relevant effort the contractor was required to perform in the absence of the event;

(3) A description of the relevant effort the contractor was actually required or will be required to perform;

(4) A description of components, equipment, and other property involved;

(5) A cost breakdown of the additional effort by element in accordance with the contractor's normal procedures for pricing of changes;

(6) A description of all property which will no longer be needed by the contractor;

(7) A description of any delay caused by the event;

(8) A description of any disruption caused by the event.

(d) It is recognized that an individual claim, request for equitable adjustment, or demand for payment may not include all of the factors listed in subparagraphs (1) through (8) above, or that the contractor may not reasonably be able to furnish complete information on all of the factors listed in subparagraphs (i) through (viii) above. Accordingly, the Contractor is only required to set forth in the claim, request for equitable adjustment, or demand for payment information with respect to those factors which are relevant to the individual matter, with the level of detail which is reasonably available to the Contractor.

(e) Certification of the claim, request for equitable adjustment, or demand for payment is required if the requested price adjustment is over \$50,000. The certification requirements are those set forth in the clause of this contract entitled Disputes. In order to be a proper certification, the certificate must be executed (i) if the Contractor is an individual, by the individual, or (ii) if the contractor is not an individual, by a senior company official in charge at the contractor's plant or location involved, or by an officer or general partner of the contractor having overall responsibility for the conduct of the contractor's affairs.

(f) For the purpose of this clause, the following terms have the meanings set forth below.

(1) "Claim" means a written demand or written assertion by the contractor seeking, as a matter of right, a price adjustment to the contract. The theory upon which the contractor seeks the price adjustment does not determine whether a particular matter is a claim. The term includes a submission asserting any theory supporting a price adjustment, including but not limited to constructive change, breach of contract or mistake, which, if valid, would result in contractor entitlement to a price adjustment. A claim does not include a request for equitable adjustment or demand for payment, as defined below. As used in this clause, a request for extraordinary contractual relief pursuant to Public Law 85-804 does not constitute a claim.

(2) "Request for equitable adjustment" means a written request for a price adjustment to the contract in accordance with the provisions of a clause which expressly provides for such a price

adjustment. The definitization of a maximum priced modification, within the maximum price, is not considered to be a request for equitable adjustment.

(3) "Demand for payment" means a written demand for payment, other than routine payment in accordance with the payment terms of the contract. A routine invoice that does not seek, as a matter of right, payment of an amount in excess of the contract price is not a demand for payment; however, an invoice seeking interest or other amounts not included in the contract price does constitute a demand for payment.

(4) "Event" means the action, inaction, conduct, or occurrence which gives rise to the contractor's claim, request for equitable adjustment, or demand for payment.

(5) "Price adjustment" means an increase in the fixed price, target price, ceiling price, or final price of a fixed price type contract, an increase in the fee structure of a cost reimbursement type contract, or monetary damages or other payment resulting from a contractor claim, request for equitable adjustment, or demand for payment. An adjustment to the sharing ratio or to any other pricing formula, procedure, or provision, or to the definition of types of costs to be included or excluded from the methodology employed to determine the final price, which has the effect of increasing the fixed price, target price, ceiling price, the final price, or the fee of the contract, is a price adjustment. A schedule adjustment, whether requested as part of a submission seeking a price adjustment or as the sole relief, or an adjustment for any matter which, pursuant to the terms of the contract is separate from or not included in the fixed price, target price, ceiling price or final price of a fixed price contract or the fee structure of a cost reimbursement contract, is not a price adjustment.

(End of Clause)

5252.243-9002 Documentation of requests for equitable adjustment.

As prescribed at 5243.7005(b), insert the following clause in full text:

Documentation of Requests for Equitable Adjustment. (1989)

(a) For the purposes of this clause, the term "change" includes not only a change made pursuant to a written order designated as a "change order" but also (i) an engineering change proposed by the Government or the Contractor pursuant to any other clause(s) of this contract and (ii) any act or omission to act on the part of the Government in respect of which a request is made for equitable adjustment under the clause of the contract entitled Changes or any other article or clause of this contract.

(b) Whenever the Contractor requests or proposes an equitable adjustment of \$250,000 or more per vessel in respect to a change made pursuant to a written order designated as a "change order" or in respect to a proposed engineering change and whenever the Contractor requests an equitable adjustment in any amount in respect to any other act or omission to act on the part of the Government, the proposal supporting such request shall include the following

information for each individual item or element of the request:

(1) A description (i) of the work required by the contract before the change, which has been deleted by the change, and (ii) of the work deleted by the change which already has been completed. The description is to include a list of identifiable components, equipment, and other identifiable property involved. Also, the status of manufacture, procurement, or installation of such property is to be indicated. Separate description is to be furnished for design and production work. Items of identifiable raw material, purchased parts, components and other identifiable hardware, which are made excess by the change and which are not to be retained by the Contractor, are to be listed for later disposition;

(2) Description of work necessary to undo work already completed which has been deleted by the change;

(3) Description of work which is substituted or added by the change. A list of identifiable components and equipment (not bulk materials or items) involved should be included. Separate descriptions are to be furnished for design work and production work;

(4) Description of interference and inefficiencies in performing the change;

(5) Description of disruption attributable solely to the change, which description shall include the following information:

(A) Description of each identifiable element of disruption and how work has been, or may be, disrupted;

(B) The calendar period of time during which disruption occurred, or may occur;

(C) Area(s) of the Contractor's operations where disruption occurred, or may occur;

(D) Trade(s) or functions disrupted, with a breakdown of manhours and material for each trade or function;

(E) Scheduling of trades before, during, and after the period of disruption insofar as such scheduling may relate to or be affected by the estimated disruption;

(F) Description of any measures taken to lessen the disruptive effect of the change.

(6) Delay in delivery attributable solely to the change;

(7) Other work or increased costs attributable to the change;

(8) Supplementing the foregoing, a narrative statement of the nature of the alleged Government act or omission, when the alleged Government act or omission occurred, and the "causal" relationship between the alleged Government act or omission and the claimed consequences therefor, cross-referenced to the detailed information provided as required above.

(c) Each proposal submitted in accordance with this clause shall include a copy of the Contractor's ship's labor budget at the cost class level in effect as of the date the event began, the cost incurred at the cost level as of the same date, and the proposed effect of the change at the cost class level.

(d) It is recognized that an individual request for equitable adjustment may not include all of the factors listed in subparagraphs (1) through (8) above, or that the Contractor may not reasonably be able to

furnish complete information on all of the factors listed in subparagraphs (1) through (8) above. Accordingly, the Contractor is only required to set forth in the request for equitable adjustment information with respect to those factors which are relevant to the individual request for equitable adjustment, with the level of detail which is reasonably available to the Contractor.

(e) In addition to any information required under paragraph (b) above, each proposal submitted in support of a claim for equitable adjustment, under any provision of this contract, of \$100,000 or more, or under \$100,000 if requested by the Contracting Officer, shall contain a duly executed Standard Form (SF) 1411 with respect to each individual claim item. The information furnished shall be in sufficient detail to permit the Contracting Officer to cross-reference the claimed increased costs, or delay in delivery, or both, as appropriate, as set forth in the SF 1411, with the information submitted pursuant to subparagraphs (b)(1) through (8) hereof.

(f) The certification requirements as set forth in the clause of this contract entitled Requirements for Adequate Supporting Data and Certification of Any Claim, Request for Equitable Adjustment, or Demand for Payment or the clause of this contract entitled Certification of Requests for Adjustment or Relief Exceeding \$100,000 shall be complied with.

(End of Clause)

Dated: November 8, 1989.

Sandra M. Kay,
Department of the Navy, Alternate Federal
Register Liaison Officer.

[FR Doc. 89-26625 Filed 11-15-89; 8:45 am]

BILLING CODE 3810-AR-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 301

Pacific Halibut Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of a draft environmental assessment and regulatory impact review (EA/RIR) and request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has prepared a draft EA/RIR that assesses potential effects of regulatory changes affecting the Pacific halibut fishery in the Bering Sea. Public comment is especially requested on environmental quality issues relating to the regulatory changes considered in the draft EA/RIR. Copies of the draft EA/RIR may be obtained from the Council at the address below. The purpose of this notice is to solicit public comments on the draft EA/RIR.

DATE: Comments on the draft EA/RIR are invited until November 27, 1989.

ADDRESSES: Comments should be addressed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802-1668. Copies of the draft EA/RIR may be requested from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, telephone 907-271-2809.

FOR FURTHER INFORMATION CONTACT: Jay J. C. Ginter, Fishery Management Biologist, NMFS, telephone 907-586-7229.

SUPPLEMENTARY INFORMATION: The Pacific halibut fisheries are regulated under authority of the International Pacific Halibut Commission (IPHC) established by convention between the United States and Canada. The Northern Pacific Halibut Act of 1982 (Halibut Act) gives effect to convention amendments made in 1979 and provides the Council with authority to develop regulations governing halibut fishing off Alaska which are in addition to, but not in conflict with, regulations adopted by the IPHC. Such regulations may be implemented only with approval of the Secretary of Commerce (Secretary).

In August 1989, the Council solicited regulatory amendment proposals for the 1990 halibut fishing season. The Council received and reviewed 17 proposals. At its meeting in September 1989, the Council reviewed the recommendations of its Halibut Management Team and Halibut Regulatory Amendment Advisory Group and decided to consider amending the halibut regulations in response to only one of the proposals affecting Regulatory Area 4C (Pribilof Islands).

Specifically, the allocative measures being considered by the Council for Regulatory Area 4C involve extension of the existing 10,000 pound trip limit (which currently applies to 50 percent of the catch limit) to 100 percent of the catch limit. If approved, this regulatory change is designed to enhance halibut fishing opportunities for residents of the Pribilof Islands.

The Council's Halibut Management Team has prepared a draft EA/RIR that assesses the potential environmental and economic effects of the regulatory alternatives under consideration. Copies of this draft EA/RIR may be requested from the Council at the address listed above. Comments on how any of the alternatives may effect the human environment are especially requested.

The Council intends to make its decision on these alternatives at its next scheduled meeting, December 4-8, 1989. If necessary, a proposed rule would be

published as soon as practicable after that date with an additional opportunity for public comment on the Council's decision. Any resulting final rule, if approved by the Secretary, would be in effect before the beginning of the 1990 halibut fishing season.

Dated: November 8, 1989.

David S. Crestin,

Acting Director, Office of Fisheries
Conservation and Management.

[FR Doc. 89-26864 Filed 11-9-89; 4:18 pm]

BILLING CODE 3510-22-M

50 CFR Parts 611 and 663

[Docket No. 91160-9260]

Foreign Fishing; Pacific Coast Groundfish Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of preliminary groundfish fishery specifications and management measures, and request for comments.

SUMMARY: NOAA announces and requests comments on the preliminary 1990 specifications and management measures for groundfish taken in the U.S. exclusive economic zone and state waters off the coasts of Washington, Oregon, and California. The preliminary specifications propose the level of the acceptable biological catch, the optimum yield, and the distribution of the optimum yield between domestic and foreign fishing operations for groundfish species and species groups. The preliminary management measures suggest fishing restrictions that would keep landings within specified levels. These actions are authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. The intended effect of this preliminary notice is to provide the Secretary of Commerce with the best available information on which to base the final specifications and management measures for 1990 and to provide opportunity for public participation in this decisionmaking process.

DATES: Comments on these preliminary specifications and management measures for 1990 must be received by December 1, 1989.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, Bldg 1, Seattle WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300

South Ferry Street, Terminal Island CA 90731.

FOR FURTHER INFORMATION CONTACT:
William L. Robinson at (206) 526-6140;
or Rodney R. McInnis at (213) 514-6202.

SUPPLEMENTARY INFORMATION:

Preliminary Specifications of ABC and OY

Under the Pacific Coast Groundfish Fishery Management Plan (FMP) and its implementing regulations at 50 CFR part 663.24, the management specifications for groundfish must be evaluated each calendar year, the preliminary specifications for the upcoming year must be published in the Federal Register inviting public comment, and the final specifications must be published in the Federal Register following public comment. The management specifications include the acceptable biological catch (ABC), the optimum yield (OY), domestic annual harvest (DAH), domestic annual processing (DAP), joint venture processing (JVP), and the total allowable level of foreign fishing (TALFF).

The ABC is the annual catch, for the more than 80 groundfish species managed by the FMP, that can be taken without jeopardizing a resource's productivity.

The OY is based on the ABC as modified by socioeconomic factors, and thus is not necessarily equal to the ABC.

The FMP uses two types of OYs, numerical OYs which are quotas, and a nonnumerical OY which is all the fish which can be legally caught under the gear, area, and catch restrictions imposed by the FMP.

Each numerical OY is a quota, i.e., the maximum amount of fish (in round weight) that may be retained, or landed each year from the exclusive economic zone (EEZ) (3-200 nautical miles) and the state waters (0-3 nautical miles) off the coasts of Washington, Oregon, and California. A numerical OY is specified only for each of six species: Pacific whiting, sablefish, Pacific ocean perch, shortbelly rockfish, widow rockfish, and, north of 39° N. latitude, jack mackerel. The OY for each of these six species includes determinations of the amounts available for domestic and foreign fishing. The DAH consists of estimates of DAP and JVP which are determined by surveys in September and June to assess the industry's planned utilization. The TALFF is the remainder, if any, of OY after domestic needs have been subtracted. Before TALFF is designated, a reserve of 20 percent of OY is established for each species in case the domestic industry needs more fish than was initially estimated.

The more than 70 remaining species managed under the FMP are included in the nonnumerical OY. For the most part, they cannot be harvested selectively

and, unless biological stress is documented, have not been regulated by quotas. Full utilization by domestic processors of some species in this multispecies complex precludes joint venture or foreign targeting on underexploited species in this complex because large incidental catches of the fully utilized species are likely to result. Consequently, no numerical specifications for DAH, DAP, JVP, and TALFF are made because joint venture and foreign fishing are not available for any species in this multispecies complex. However, ABCs are specified for the major species or species groups.

The OYs may be changed during the year, within limits, under the procedures outlined in the regulations at 50 CFR 663.22.

The preliminary 1990 management specifications for each species with an ABC different than in 1989, or with a numerical OY, are discussed below, followed by Tables 1 and 2 which list the ABCs and OYs for all species or species groups. In some cases, ranges are presented. The final ABCs and OYs may not fall within these ranges. The aggregate data upon which these preliminary specifications are based are available for public inspection at the offices of the Regional Directors (see ADDRESSES above) during business hours until the end of the comment period.

TABLE 1—PRELIMINARY SPECIFICATIONS OF ABC FOR 1990 FOR THE WASHINGTON, OREGON, AND CALIFORNIA REGION BY INTERNATIONAL NORTH PACIFIC FISHERIES COMMISSION AREAS

[In thousands of metric tons]

Species	Area					Total
	Vancouver ¹	Columbia	Eureka	Monterey	Conception	
Roundfish:						
Lingcod	1.0	4.0	0.5	1.1	0.4	7.0
Pacific Cod						² 3.2
Pacific Whiting						³ 160.0-196.0
Sablefish						³ 5.5-9.0
Rockfish:						
Pacific Ocean Perch	0.0	0.0	(²)	(²)	0.0	² 13.0
Shortbelly						6.9-8.9
Widow						
Other Rockfish: *						
Bocaccio	(²)	(²)	(²)	² 4.1	² 2.0	6.1
Canary	0.8	² 2.1	0.6			3.5
Chilipepper						² 3.6
Yellowtail	1.1	² 2.9	0.3	(²)	(²)	4.3
Remaining Rockfish	0.8	² 3.7	1.9	4.3	3.3	14.0
Flatfish:						
Dover Sole	2.1	5.3	5.1	5.0	1.8	19.3
English Sole						² 1.9
Petrale Sole	0.6	1.1	0.5	0.8	0.2	3.2
Other Flatfish	0.7	3.0	1.7	1.8	0.5	7.7
Other Fish: *						
Jack Mackerel ²						12.0
Others	2.5	7.0	1.2	2.0	2.0	14.7

¹ U.S. portion.

² These species are not common or important in the areas footnoted. Accordingly, for convenience, Pacific cod is included in the "other fish" category for the areas footnoted and rockfish species are included in the "remaining rockfish" category for the areas footnoted only.

³ Total all areas.

* "Other rockfish" means rockfish species at 50 CFR 663.2, as amended, which do not have a numerical OY.

* For management of the *Sebastes* complex of rockfish, the Columbia area is split into northern and southern parts at Coos Bay, Oregon (43° 21' 34" N. latitude), and ABCs for the Columbia area are prorated as follows:

Species	Columbia area Total	North of Coos Bay	South of Coos Bay
Canary.....	2.1	1.7	0.4
Yellowtail.....	2.9	2.8	0.1
Remaining rockfish.....	3.7	3.3	0.4

* "Other fish" includes sharks, skates, ratfish, morids, grenadiers, jack mackerel, and, in the Eureka, Monterey, and Conception areas, Pacific cod. "Other fish" is part of the "other species" category listed at 50 CFR 663.2.

* North of 39° N. latitude.

TABLE 2—PRELIMINARY SPECIFICATIONS OF OY AND ITS DISTRIBUTION FOR 1990

[In thousands of metric tons]

Species	Total OY	DAP	JVP ¹	DAH	Reserve	TALFF ¹
Pacific Whiting.....	160.0-196.0	14.0-23.0	137.0-182.0	160.0-196.0	0.0	0.0
Sablefish.....	5.5-9.0	5.5-9.0	0.0	5.5-9.0	0.0	0.0
Pacific Ocean Perch ²	* 1.54	* 1.54	0.0	* 1.54	0.0	0.0
Shortbelly Rockfish.....	13.0	0.5	12.5	13.0	0.0	0.0
Widow Rockfish.....	6.9-8.9	6.9-8.9	0.0	6.9-8.9	0.0	0.0
Jack Mackerel.....	12.0	0.0	5.0	5.0	2.4	4.6
Other Species.....	(*)					

¹ In the foreign trawl and joint venture fisheries for Pacific whiting, incidental catch allowance percentages (based on TALFF) and incidental retention allowance percentages (based on JVP) are: sablefish 0.173 percent; Pacific ocean perch 0.062 percent; rockfish excluding Pacific ocean perch 0.738 percent; flatfish 0.1 percent; jack mackerel 3.0 percent; and other species 0.5 percent. In foreign trawl and joint venture fisheries, "other species" means all species, including nongroundfish species, except Pacific whiting, sablefish, Pacific ocean perch, rockfish excluding Pacific ocean perch, flatfish, jack mackerel, and prohibited species. In a foreign trawl or joint venture fishery for species other than Pacific whiting, incidental allowance percentages will be stated in the conditions and restrictions to the foreign fishing permit. See 50 CFR 611.70(c)(2) for application of incidental retention allowance percentages to joint venture fisheries.

² Of this 1,540 metric tons, 500 metric tons is for the Vancouver area and 1,040 metric tons is for the Columbia area. Pacific ocean perch from other areas are included in the OY for "other species." See 50 CFR 663.21(a)(3).

* The total OY for "other species" is that amount of fish that may be lawfully harvested and/or processed under 50 CFR 611.70 and part 663. See 50 CFR 663.2 for species listing.

Proposed Change to ABC for Nonnumerical OY Species

The preliminary ABCs for all species included in the nonnumerical OY are the same as in 1989, with the exception of Dover sole (Table 1). A stock assessment of Dover sole in the Vancouver, Columbia, and Eureka areas is in preparation and is expected to be available before the Pacific Fishery Management Council (Council) makes its final recommendations in November. Revisions to these preliminary estimates are anticipated at that time. Until the stock assessment is finalized, the Groundfish Management Team (GMT) recommended that the preliminary ABC for each subarea be the mean of the last five years' landings, to more accurately reflect the forthcoming final coastwide ABC for 1990 which is expected to be lower than in 1989. The preliminary ABCs by International North Pacific Fisheries Commission (INPFC) statistical subarea are as follows: Vancouver—2,100 mt (12 percent below the 1989 ABC of 2,400 mt); Columbia—5,300 mt (54 percent below the 1989 ABC of 11,500 mt); Eureka—5,100 mt (36 percent below the 1989 ABC of 8,000 mt); Monterey—5,000 mt (the same as in 1989); and Conception—1,800 mt (80 percent above the 1989 ABC of 1,000 mt). The sum of these result in a preliminary coastwide ABC of 19,300 mt, 31 percent

below the 27,900 mt coastwide ABC for Dover sole in 1989.

Stock assessments for canary and yellowtail rockfish also are underway and may result in changes in the ABCs for those species.

Proposed Specifications for Numerical OY Species

Pacific whiting. The status of the Pacific whiting stock was assessed in 1989 using the stock synthesis model introduced in last year's assessment. As noted last year, the whiting fishery continues to be supported by the strong 1980 and 1984 year classes. By 1990, the 1980 year class will have been in the U.S. fishery for nine years, and its contribution is expected to diminish considerably. There is no evidence of strong recruitment to the population since 1984 and spawning biomass will decline from 829,000 mt in 1989 to an estimated 599,000 mt in 1990. Further biomass (and corresponding yield) declines are expected through 1992. Total yield for 1990 from the U.S. and Canadian fisheries combined is estimated to be in the range of 180,000-245,000 mt. The U.S. ABC is calculated, based on the portion of the stock estimated to be in U.S. waters at the time of the fishery and the age structure of the stock in 1990, to range from

160,000 to 196,000 mt, 29 to 13 percent below the 225,000 mt ABC in 1989.

In 1989 as in previous years, OY is proposed to equal ABC. The 1990 estimate of DAP is a range from 14,000 mt to 23,000 mt, compared to 18,000 mt in 1989. Because a NOAA survey to estimate preliminary joint venture requests for 1990 resulted in requests which exceed the amount proposed for OY, the JVP in 1990 is proposed to be a range from 137,000 mt to 182,000 mt, the difference between OY and DAP. Accordingly, the preliminary determination of DAH in 1990 is equal to OY and there is no initial TALFF and no reserve. These amounts may change, depending on the final specifications of ABC and OY, revised DAP requests, and applications for joint venture processing which are received later in the year. At its November meeting, the Council may recommend that the OY not be equal to ABC.

Sablefish. The preliminary 1990 ABC for sablefish ranges from 5,500 mt to 9,000 mt, compared with 9,000 mt in 1989. Revised sablefish aging criteria employed by NMFS generated age compositions with a greater proportion of older fish, which resulted in the use of lower natural mortality estimates, a lower rate of turnover in the population, and thus decreased estimated yield.

The Council recommended that the preliminary OY be set equal to ABC. At its November meeting, it will consider setting the OY 300 mt above ABC to provide a buffer, possibly for uncertainties in landings projections, landings of unavoidable bycatch, and operations of small fisheries late in the year. (See the section on management measures at the end of this notice.) Because domestic processors will process all available sablefish, none is available for joint venture or foreign fishing in 1990 except for minimal allowances for unavoidable incidental catches.

Pacific ocean perch. The preliminary 1990 ABCs for Pacific ocean perch in both the Vancouver and Columbia areas are zero, as has been the case since 1987. Pacific ocean perch have been overfished in the past and now are managed under a rebuilding schedule specified in the FMP. No new stock assessment was conducted for 1990. The most recent available data indicate little or no rebuilding of the Pacific ocean perch stock since 1979, and there are no indications of strong recruitment to the population. However, the stock also does not appear to be declining, and increased landings in 1988 and 1989 may indicate the emergence of stronger year classes. The GMT may consider combining the ABCs (and thus the OYs) for the Vancouver and Columbia areas in the near future.

As in the past three years, an OY is proposed to allow some if not all incidental catches to be landed, but not to encourage directed fishing. Therefore, the preliminary OYs for 1990 are the same as in 1989: 500 mt in the Vancouver area and 1,040 mt in the Columbia area. (The OY in the Columbia area was increased from 800 mt to 1,040 mt on July 26, 1989 (54 FR 31688, August 1, 1989).) Domestic processors will fully utilize the OY, so no Pacific ocean perch are available for joint venture or foreign fishing in 1990 except for minimal allowances for unavoidable incidental catches.

Widow rockfish. The preliminary ABC for 1990 is a range of 6,900 to 8,900 mt, 44 to 28 percent lower than the 12,400 mt ABC in 1989. The decrease is attributable mostly to the relatively weak 1982 and 1983 year classes. The best estimates using cohort analysis and the stock synthesis model are that the stock has been fished down from a 1980 biomass of 150,000–250,000 mt to a 1989 level of 50,000–70,000 mt.

It is proposed that the preliminary OY equals ABC, as in 1989, and therefore it ranges from 6,900 to 8,900 mt. Because this species is fully utilized by domestic processors, no widow rockfish are

available for JVP or TALFF in 1990 except for minimal allowances for unavoidable incidental catches.

Shortbelly rockfish. The preliminary 1989 ABC and OY specifications for shortbelly rockfish are both 13,000 mt, 30 percent above the 10,000 mt ABC and OY in 1989. Although the GMT provided an ABC range of 13,900–47,000 mt, the regulations at 50 CFR 663.24 prevent annual increases of more than 30 percent. However, inseason increases of an additional 30 percent are allowed if the need exists and criteria at 50 CFR 663.22(b) are satisfied.

The GMT's recommended ABC range from 13,900 to 47,000 mt is based on the extremes of the MSY estimates from two yield calculation approaches that reexamined the age, growth, and potential yield of shortbelly rockfish. This range differs considerably from the 1989 ABC of 10,000 mt, as a result of improved understanding of natural mortality and revised yield calculation methods. Shortbelly rockfish remains an unexploited, virgin stock at present. Due to the considerable uncertainty in the estimate of virgin biomass, the ABC recommendation is based on a potential yield model rather than the more standard approach of calculating yield from the fishing mortality that would produce MSY (F_{max}) and estimated current biomass. As the fishery develops and more reliable estimates of current biomass are obtained, alternative strategies for fishing down the virgin stock can be evaluated.

There is little domestic processing of shortbelly rockfish, and the DAP is reduced from 1,000 mt to 500 mt which should fully accommodate domestic processing needs in 1990. Two joint venture companies expressed interest in harvesting 13,000–15,000 mt of shortbelly rockfish, in conjunction with experimental fisheries for that species. Accordingly, JVP is preliminarily designated at 12,500 mt, the difference between OY and DAP. Because DAH would equal OY, there is no surplus available for TALFF and no reserve.

Jack mackerel (north of 39° N. latitude). The preliminary 1989 ABC and OY specifications for jack mackerel are both 12,000 mt, the same as during 1985–1989. No new stock assessment has been conducted for this species. No domestic processing interest has been identified for the stock north of 39° N. latitude, the only component of this species managed by the FMP. However, there is some preliminary interest in a joint venture fishery for as much as 5,000 mt in 1990. Accordingly, DAP is set at zero, JVP is 5,000 mt, TALFF is 4,600 mt, and the reserve (20 percent of the OY) remains at 2,400 mt.

Harvest Guidelines

NOAA proposes to designate a harvest guideline, as it has done since 1983, for the *Sebastes* complex of rockfish (of which yellowtail rockfish is a dominant component) north of Coos Bay, Oregon. The harvest guideline is the amount of fish that the Council intends to be landed in a given year, and management measures may be imposed to keep landings close to that level. However, unlike a quota, the fishery does not necessarily close when a harvest guideline amount is reached.

As in the past, the harvest guideline for the *Sebastes* complex is derived by adding the ABCs for the species in the complex north of Coos Bay. Consequently, the ABCs for yellowtail rockfish, canary rockfish, and the remaining rockfish category are prorated to determine the portion of the ABCs in the Columbia area that apply north of Coos Bay. The harvest guideline is determined by adding the prorated ABCs for the Columbia area north of Coos Bay to the ABCs for those same species in the Vancouver area. As in 1989, the harvest guideline is preliminarily set at 10,500 mt. If the ABCs are changed for any species in the *Sebastes* complex north of Coos Bay, the harvest guideline will reflect that change (See footnote 5 of Table 1). Similarly, the harvest guideline for yellowtail rockfish also has been based on its ABC and prorated for the area north of Coos Bay, Oregon. As in 1989, the harvest guidelines for yellowtail rockfish preliminarily is estimated at 3,900 mt.

Preliminary Management Measures

NOAA is considering certain management measures intended to reduce the rate of landings in 1989 for several species or species groups. Management measures which restrict fishing levels are implemented under the "points of concern" authority in the FMP (sections 1.2 and 9.3.1; 50 CFR 663.22). Any such actions are designed to prevent or reduce biological stress on the stock.

The Council has recommended trip poundage limits (the amount of fish that may be taken and retained, possessed, or landed per vessel per fishing trip) and trip frequency limits (the number of legal landings that may be made in a particular period of time) for the species and species groups discussed below. However, proposal of such limits here does not preclude the Council from recommending other limits or limits on other species based on new information. In particular, if the final ABC for Dover sole remains as low as proposed, the

Council may find it necessary to recommend restrictions on landings of that species under the points of concern mechanism in order to prevent the ABC from being substantially exceeded. Trip limits were placed on Dover sole in 1989 as an unavoidable part of the deepwater complex, of which sablefish is a part, for the purpose of conserving sablefish.

The management measures proposed below for 1990 are tentative because the final specifications on which they ultimately are based will not be approved until after the Council's November 1989 meeting. Therefore, these proposed management measures are subject to change based on more recent scientific information and public comment.

Widow Rockfish. The OY for widow rockfish in 1989 was 12,400 mt. A weekly trip limit of 30,000 pounds was implemented on January 1, 1989. The weekly limit was reduced to 10,000 pounds on April 26, 1989, and a biweekly option was added. The weekly and biweekly limits applied only when there were more than 3,000 pounds of widow rockfish in a landing. The trip limit was reduced to 3,000 pounds and trip frequency restrictions were removed on October 11, 1989.

If the OY for widow rockfish in 1990 remains as proposed, 6,900–8,900 mt, management restrictions will be necessary in 1990. Trip poundage and frequency limits in 1990 are likely to be more restrictive than in 1989.

Sebastes Complex (including Yellowtail Rockfish). The harvest guideline for the *Sebastes* complex in 1989 was 10,500 mt. A weekly trip limit of 25,000 pounds (containing no more than 7,500 pounds of yellowtail rockfish) was implemented on January 1, 1989, and biweekly and twice-weekly trip limit options were available. The weekly limit for the *Sebastes* complex remained the same throughout the year, but the weekly limit for yellowtail rockfish was reduced to 3,000 pounds or 20 percent of the *Sebastes* complex, whichever was greater, on July 26, 1989, and proportional changes were made to the biweekly and twice-weekly options. In 1989, the trip frequency limits were applied only when more than 3,000 pounds of the *Sebastes* complex were landed. The harvest guideline is not expected to differ greatly in 1990, in which case management measures will be necessary to conserve yellowtail rockfish. Restrictions in 1990 are likely to be similar to those in 1989.

Pacific Ocean Perch. The OY for Pacific ocean perch in 1989 was 500 mt in the Vancouver area, and 1,040 mt in the Columbia area (increased from 800 mt on July 26, 1989), for a total OY of

1,540 mt. On January 1, 1989, the trip limit for Pacific ocean perch was 5,000 pounds or 20 percent of all fish on board, whichever was less. This limit was reduced to 2,000 pounds or 20 percent of all fish on board, whichever was less, on July 26, 1989. These limits only applied when more than 1,000 pounds of Pacific ocean perch were on board. If the OY for Pacific ocean perch in 1990 remains the same as in 1989, management restrictions will be necessary in 1990. The trip poundage limit in 1990 is likely to be similar to that in 1989.

Sablefish (and the Deepwater Complex). In 1989, the OY for sablefish was 10,400–11,000 mt. On January 1, 1989, the OY was allocated 52 percent for the trawl fleet and 48 percent for the nontrawl (fixed) gear fleet. The 600 mt difference in the OY range was intended to be used as a buffer to accommodate uncertainties in landings projections, unavoidable bycatch, and the enable small fisheries that operate later in the year to have an opportunity to land their catch. A sablefish trip limit of 1,000 pounds or 45 percent of the deepwater complex, whichever was greater, was imposed on the multispecies trawl fishery to discourage target fishing for sablefish and to slow achievement of the trawl quota. If the trawl quota had been reached early in the year, sablefish would have continued to be caught in fisheries for other species. These incidentally caught sablefish would have been discarded because further landings must be prohibited after a quota is reached.

In April it became evident that the rate of trawl landings was too high to avoid premature closure. To prevent reaching the trawl quota too early, 400 mt of the nontrawl quota and 600 mt buffer were transferred to the trawl quota, in conjunction with restrictive trip limits on the trawl fishery both for the deepwater complex and for its sablefish component. The weekly limit for the deepwater complex was 30,000 pounds, which could include no more than 1,000 pounds or 25 percent sablefish, whichever was greater. Biweekly and twice-weekly trip limit options were available. The trip frequency limits applied when more than 4,000 pounds of the deepwater complex were on board. The maximum limit for landings of the deepwater complex, and the trip frequency limits, were removed on October 4, 1989, when it became evident that sufficient sablefish remained for the trawl fishery to continue to the end of the year, but the limits on sablefish (1,000 pounds or 25 percent of the deepwater complex, whichever was greater) remained.

The nontrawl fishery continued unrestricted (except for size limits) until July 17 when the target fishery was virtually eliminated and a 100-pound trip limit was imposed, which was intended to stretch the fishery until the end of the year. Landings were slower than anticipated and the limit was increased to 2,000 pounds or 20 percent of the fish on board, whichever was less, on October 4, 1989. The 20 percent limit applied only when more than 100 pounds of sablefish were on board.

The Council is considering a number of options for management of sablefish in 1990. Under any of these options, the Council is likely to set aside a harvest guideline of sablefish for treaty Indian harvest. This harvest guideline is not expected to exceed 205 mt. Under any of the options, the Council also may choose to limit trawl landings of the deepwater complex as in 1989. However, the Council also is considering changing the species of the complex to include certain species of slope rockfish. If so, this would require a redetermination of the appropriate species and percentage (by round weight) of sablefish that could be taken relative to the deepwater complex. The Council also may choose to limit nontrawl landings.

The Council is considering the following options to slow the harvest of sablefish in both the trawl and nontrawl fisheries in order to prevent biological stress, reduce discards, and provide for the landing of unavoidable bycatch in other fisheries. As in past years, trip poundage and trip frequency limits are likely to be recommended to achieve these objectives and the gear quotas proposed in the following options.

Option 1. After subtracting the Indian harvest guideline, continue the 58 percent trawl and 42 percent nontrawl gear quotas established April 26, 1989 (54 FR 18658, May 2, 1989). The management measures adopted at the April 1989 Council meeting (including specification of a deepwater Dover sole assemblage and restrictions on those species) would be reimplemented January 1, 1990. A 300 mt reserve could be established in addition to the ABC to be set as the upper limit of OY. That reserve would be available for overages in either fishery to prevent all landings from being prohibited.

Option 2. The same as Option 1 except the trawl quota would be 56 percent and the nontrawl quota would be 44 percent, based on the same percentages established in April 1989, but before the 600 mt buffer was added to the trawl quota.

Option 3. Divide the last 10 percent of the OY equally between trawl and nontrawl gears, accompanied by a trip limit on trawl gear that equals the average percentage of sablefish in all trawl landings containing sablefish (not to exceed 30 percent), as required at 50 CFR 663.27(b)(3).

Option 4. Establish a trawl quota between 4,000 and 6,000 mt of sablefish and designate the remainder for the nontrawl fleet.

Final Actions

The Council will make final recommendations for the 1990 specifications and management measures at its November 15-17, 1989 meeting in Portland, Oregon. Public comment will be invited at that meeting as well as during the public comment period following the publication of this notice. The Secretary will consider public testimony and the latest information on stock status and expected catch and effort before announcing the final specifications and management measures that will be effective January 1, 1990.

Classification

The preliminary specifications are made under the authority of and in accordance with 50 CFR 663.24 (a) and (b). The management measures are proposed under the authority of 50 CFR 663.22(a) and 663.23.

An Environmental Impact Statement (EIS) was prepared for the FMP in 1982 in accordance with the National Environmental Policy Act (NEPA). The alternative and environmental impacts of this notice are not significantly different than those considered in the EIS for the FMP. Therefore this action is categorically excluded from the NEPA requirements to prepare an Environmental Assessment in accordance with paragraph 5a(3) of the NOAA Directives Manual 02-10 because the alternatives and their impacts have not changed significantly.

This action is in compliance with Executive Order 12291. The action does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

The public has had opportunities to comment on this action. The public participated in Groundfish Select Group, Groundfish Management Team, and Council meetings in August and September 1989 that resulted in the recommendations from the Council. Further public comments will be accepted for 15 days after publication of this notice in the *Federal Register*.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 663

Fisheries, Fishing.

Authority: 16 U.S.C. *et seq.*

Dated: November 9, 1989.

James E. Douglas, Jr.,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 89-26955 Filed 11-13-89; 12:12 pm]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 54, No. 220

Thursday, November 16, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 89-188]

Availability of Environmental Assessment and Finding of No Significant Impact Relative to Issuance of a Permit To Field Test Genetically Engineered Cotton Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environmental assessment and finding of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of a permit to Calgene, Inc., to allow the field testing in Molokai, Hawaii, of cotton plants genetically engineered to be tolerant to the herbicide *Bromoxynil*. The assessment provides a basis for the conclusion that the field testing of these genetically engineered cotton plants will not present a risk of introduction or dissemination of a plant pest and will not have any significant impact on the quality of the human environment. Based upon this finding of no significant impact, the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

ADDRESS: Copies of the environmental assessment and finding of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Sivramiah Shantharam.

Biotechnologist, Biotechnology Permit Unit, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessment and finding of no significant impact, write Ms. Linda Gordon at this same address. The environmental assessment should be requested under permit number 89-192-01.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR Part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced in the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

Calgene, Inc., of Davis, California, has submitted an application for a permit for release into the environment, to field test cotton plants genetically engineered to tolerate the herbicide *Bromoxynil*. The field trial will take place in Molokai, Hawaii.

In the course of reviewing the permit application, APHIS assessed the impact on the environment of releasing the cotton plants under the conditions described in the Calgene, Inc., application. APHIS concluded that the field testing will not present a risk of plant pest introduction or dissemination and will not have any significant impact on the quality of the human environment.

The environmental assessment and finding of no significant impact, which are based on data submitted by Calgene, Inc., as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the

environmental impacts associated with conducting the field testing.

The facts supporting APHIS' finding of no significant impact are summarized below and are contained in the environmental assessment.

1. A gene for herbicide tolerance has been inserted into the cotton genome. In nature, genetic material contained in chromosomes can only be transferred to other sexually compatible flowering plants by cross-pollination. In this field test, the introduced gene cannot spread to other plants by cross-pollination because the field test plot is at a sufficient distance away from any compatible plants with which cotton plants may cross-pollinate.

2. Neither the herbicide tolerance gene by itself, nor its gene product, confers on cotton plants any plant pest characteristics. Traits that lead to weediness in plants are polygenic and cannot be conferred by adding a single herbicide tolerance gene.

3. The micro-organism *Klebsiella pneumoniae* subsp. *ozaenae* from which the herbicide tolerance gene was isolated is not a plant pest and is widely distributed in the environment as a common soil inhabitant.

4. In nature, the herbicide tolerance gene does not provide the transformed cotton plants with any measurable selective advantage over nontransformed cotton plants in their ability to disseminate or to become established in the environment.

5. The vector (tumor inducing Ti-plasmid) used to transfer the herbicide tolerance gene to cotton plants has been evaluated for its use in this specific experiment and does not pose a plant pest risk in this field test. The vector, although derived from a DNA sequence of a known plant pest, has been effectively disarmed; that is, genes that are necessary for producing plant disease have been removed from the vector. The vector has been tested and shown to be nonpathogenic to plants. The vector acts by delivering the genes into the chromosomal DNA where the genes are stably incorporated.

6. The vector agent, *Agrobacterium tumefaciens*, the bacterium that was used to deliver the vector DNA containing the herbicide tolerance gene into the plant cell is a well known plant pest, and has been effectively eliminated with an appropriate

antibiotic and is no longer associated with the transformed cotton plants.

7. Generally, the movement of the introduced gene(s) is not possible except by pollination of compatible flowering plants. Cotton plants are generally self-pollinators and are not wind-pollinated. Because cotton plants in rare instances are insect-pollinated, the test plants are surrounded by 100 feet of border rows to prevent cross-pollination.

8. Bromoxynil is an herbicide that rapidly degrades in the environment. It has been shown to be less toxic to animals than many herbicides commonly used.

9. The size of the field test is very small (238 feet wide by 378 feet long) and is biologically isolated from any species of wild plants and animals by a surrounding area of cultivated land.

10. The experimental plot is located on a private ranch and has good physical security.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500-1509), (3) USDA Regulations Implementing NEPA (7 CFR Part 1b), and (4) APHIS Guidelines

Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 13th day of November 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-26958 Filed 11-15-89; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 89-189]

Receipt of a Permit Application for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that two applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Analyst,

Biotechnology, Biologics, and Environmental Protection, Biotechnology Permit Unit, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment), in the United States, certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
89-278-01	Monsanto Agricultural Company.....	10-05-89	Tomato plants genetically engineered for insect resistance using <i>Bacillus thuringiensis</i> var. <i>kurstaki</i> .	Florida.
89-278-02	Monsanto Agricultural Company.....	10-05-89	Tomato plants genetically engineered for insect resistance using <i>Bacillus thuringiensis</i> var. <i>kurstaki</i> .	Florida.

Done in Washington, DC, this 13th day of November 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-26959 Filed 11-15-89; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronic Instrumentation Technical Advisory Committee; Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held December 6 and 7, 1989 9 a.m., in the Herbert C. Hoover Building, room 1617F, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with

respect to technical questions which effect the level of export controls applicable to electronics and related equipment and technology.

Agenda

General Session

- Opening remarks by the Chairman.
- Presentation of papers or comments by the public.
- Discussion of the following Commodity Control List Numbers:
 - 1521—Amplifiers and related equipment
 - 1522—Lasers
 - 1529—Electronic equipment for testing and measuring
 - 1531—Frequency synthesizers
 - 1534—Flatbed microdensitometers
 - 1541—Cathode-ray tubes
 - 1553—X-ray systems, flash discharge
 - 1556—Optical elements and

elements for optical tubes

- 1572—Recording/reproducing equipment

Executive Session

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto. The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements on issues pertinent to export regulations for commodities within the responsibility of the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior

to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes please call Lee Ann Carpenter at (202) 377-2583.

Dated: November 13, 1989.

Betty Anne Ferrell,

*Director, Technical Advisory Committee Unit,
Office of Technology and Policy Analysis.*

[FR Doc. 89-26924 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-DT-M

Laser and Opto-Electronic Subcommittee of the Electronic Instrumentation Technical Advisory Committee; Closed Meeting

A meeting of the Laser and Opto-Electronic Subcommittee of the Electronic Instrumentation Technical Advisory Committee will be held December 5, 1989, 9 a.m., in the Herbert C. Hoover Building, room 1617F, 14th Street & Constitution Avenue NW., Washington, DC. The Subcommittee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to lasers and related equipment and technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1988, pursuant to Section 10(d) of the Federal

Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes please call Lee Ann Carpenter, 202-377-2583.

Dated: November 13, 1989.

Betty Anne Ferrell,

*Director, Technical Advisory Committee Unit,
Office of Technology and Policy Analysis.*

[FR Doc. 89-26925 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

Exporters' Textile Advisory Committee; Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on December 7, 1989. The meeting will be from 2:00 to 4:00 p.m. in room 3407 at the Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Committee advises Department of Commerce officials on textile and apparel export issues.

Agenda: Report on conditions in the export market; review of Office of Textiles and Apparel export expansion activities; and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/377-4324).

Dated: November 9, 1989.

Philip J. Martello,

*Acting Chairman, Committee for the
Implementation of Textile Agreements.*

[FR Doc. 89-26927 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-DR-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of

whether instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with subsections 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 4:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket Number: 89-147R. **Applicant:** University of Hawaii at Manoa, Hawaii Institute of Geophysics, 2525 Correa Road, Honolulu, HI 96822. **Instrument:** FTIR Spectrometer System, Model DA3. **Manufacturer:** Bomem, Canada. Original notice of this resubmitted application was published in the Federal Register of June 1, 1989.

Docket Number: 89-250. **Applicant:** U.S. Department of Energy, New Brunswick Laboratory, 9800 South Cass Avenue, Bldg. 350, Argonne, IL 60439. **Instrument:** Mass Spectrometer, Model PlasmaQuad PQ 2 Plus. **Manufacturer:** VG Instruments Group, United Kingdom. **Intended Use:** The instrument will be used for studies of trace elements in a matrix consisting primarily of uranium or plutonium during research concentrated on the development of high accuracy-high precision methodology for the analysis of elemental impurities. **Application Received by Commissioner of Customs:** October 10, 1989.

Docket Number: 89-251. **Applicant:** Knox College, 2 South Street, Galesburg, IL 61401. **Instrument:** Electron Microscope, Model JEM-100SX. **Manufacturer:** JEOL, Inc. Japan. **Intended Use:** The instrument will be used for studying biological specimens in conjunction with the following ongoing research:

- (1) The immune and pathological responses in marine invertebrates focusing on comparing structure and function, origin and development of circulating cells in the coelomic cavity.
- (2) Studies of the impact of stress upon the normal activities and growth of cells focusing on understanding how plant cells regulate normal cellular protein synthesis during heat shock.
- (3) Study of the effects of alcohol at the cellular level in the fruit fly, *Drosophila melanogaster*.

The instrument will also be used for educational purposes in various biology courses. **Application Received by Commissioner of Customs:** October 10, 1989.

Docket Number: 89-252. **Applicant:** University of Pennsylvania, Physiology Department, School of Medicine, B-405

Rich Bldg. 6085, Philadelphia, PA 19104. *Instrument:* Hybrid Piezo-Manipulator, Model PM 20N. *Manufacturer:* Biomedizinische Instrumente, West Germany. *Intended Use:* The instrument will be used for studies of biological cells from frog skin and the ciliary body of the rabbit eye *in vitro*. The objectives of the research are to (i) identify the transfer mechanisms responsible for absorption and secretion of salt and water across model biological systems, (ii) clarify the mechanisms for regulating absorption and secretion, and (iii) test the effectiveness of drugs in altering those processes. In addition, the instrument will be used for educational purposes in the courses Physiology 1111, Independent Study and Physiology 570, Techniques in Cell and Molecular Physiology. *Application Received by Commissioner of Customs:* October 12, 1989.

Docket Number: 89-253. *Applicant:* La Jolla Cancer Research Foundation, 10901 N. Torrey Pines Road, La Jolla, CA 92037. *Instrument:* Mass Spectrometer, Model VG 70-250SE. *Manufacturer:* VG Analytical, Ltd., United Kingdom. *Intended Use:* The instrument will be used to elucidate the molecular weights and sequences of carbohydrates and peptides in various research projects that require high-mass range mass spectrometry including fast atom bombardment-mass spectrometry. *Application Received by Commissioner of Customs:* October 17, 1989.

Docket Number: 89-254. *Applicant:* Catholic University of America, Vitreous State Laboratory, Suite 400 Hannan Hall, 620 Michigan Avenue NE, Washington, DC 20064. *Instrument:* FTIR Spectrometer, Model DA3.16.

Manufacturer: Bomem, Inc., Canada. *Intended Use:* The instrument will be used to collect and study collision induced spectra of nonpolar gases, liquids and solids. The properties studied in these activities are molecular motions and interactions in the materials. In addition, the instrument will be used in the training of graduate students. *Application received by Commissioner of Customs:* October 17, 1989.

Docket Number: 89-255. *Applicant:* University of Wisconsin-Madison, Department of Anthropology, Madison, WI 53706. *Manufacturer:* Finnigan Corp., West Germany. *Intended Use:* The instrument will be used for research in reconstructing the diets of individuals through analysis of the stable isotope ratios of carbon and nitrogen in bone collagen. In addition, the instrument will be used in teaching courses in paleonutrition and bone chemistry.

Application Received by Commissioner of Customs: October 18, 1989.

Docket Number: 89-256. *Applicant:* NASA, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135. *Instrument:* Scanning Electron Microscope, Model JSM-840A. *Manufacturer:* JEOL, Inc., Japan. *Intended Use:* The instrument will be used in the development of new high temperature materials for aerospace propulsion. Of particular interest are the characterization of the interfaces between fibers and matrices in advanced composites, and the precipitates in new intermetallic compounds being developed as matrices for metal matrix composites.

Application Received by Commissioner of Customs: October 20, 1989.

Frank W. Creel,
Director, Statutory Import Programs Staff.
[FR Doc. 89-26926 Filed 11-15-89; 8:45 am]
BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications; Tampa/St. Petersburg, Florida

AGENCY: Minority Business Development Agency, Commerce.
ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at \$218,776 for the project performance of 04/1/90 to 03/31/91. The MBDC will operate in the Tampa/St. Petersburg, Florida, Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of \$184,260 in Federal Funds and a minimum of \$32,516 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to

accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as a MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications December 15, 1989. Applications must be postmarked on or before December 15, 1989.

ADDRESS: U.S. Department of Commerce, Atlanta Regional Office, Minority Business Development Agency, 1371 Peachtree Street, Suite 505, Atlanta, Georgia 30309, 404/347-4091.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director of the Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

Note: A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia, Thursday, November 30, 1989, at 9:00 a.m.

(11,800 Minority Business Development Catalog of Federal Domestic Assistance)

Dated: November 9, 1989.

Carlton L. Eccles,
Regional Director, Atlanta Regional Office.

[FR Doc. 89-26908 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center Applications; Minneapolis/St. Paul, Minnesota

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a 3 year period, subject to the availability of funds. The cost of performance for the first 12 months is estimated at \$165,000 in Federal funds and a minimum of \$29,118 in non-federal contributions for the budget period April 1, 1990 to March 31, 1991. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contributions, or combinations thereof. The MBDC will operate in the Minneapolis/St. Paul geographic service area. The award number of this MBDC will be 05-10-90001-01.

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for-profit organizations, state and local governments, American Indian tribes and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operation of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms; offer a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated on the following criteria: the experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive.

MBDCs shall be required to contribute at least 15% of the total project cost through non-federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of \$50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of \$500,000 or less and 35% of the total cost for firms with gross sales of over \$500,000.

The MBDC may continue to operate, after the initial competitive year, for up to 2 additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds and Agency priorities.

Closing Date: The closing date for applications is December 22, 1989. Applications must be postmarked on or before December 22, 1989.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603, 312/353-0182.

FOR FURTHER INFORMATION CONTACT: David Vega, Regional director, Chicago Regional Office.

SUPPLEMENTARY INFORMATION:

Anticipated processing time of this award is 120 days. Executive Order 12372 "Intergovernment Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

Dated: November 11, 1989.

David Vega,

Regional Director, Chicago Regional Office.

[FR Doc. 89-26909 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of a public hearing and request for comments.

SUMMARY: The Caribbean Fishery Management Council will resume the public hearing scheduled for September

21, 1989 (54 FR 35524) on the management measures for the development of the Queen Conch Fishery Management Plan, which was cancelled because of Hurricane Hugo. Oral and written presentations will be accepted.

DATES: Written comments will be accepted until December 31, 1989.

The public hearing will be scheduled, as follows: December 19, 1989, 7:30 p.m., St. Thomas, U.S.V.I.

ADDRESSES: Written comments should be sent to the Caribbean Fishery Management Council, Suite 1108, Banco de Ponce Building, Hato Rey, Puerto Rico 00918-2577.

The hearing will be held at the following location: St. Thomas, U.S.V.I.—Legislature Building.

FOR FURTHER INFORMATION CONTACT: Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, 800-766-5926.

Dated: November 9, 1989.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-26900 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-22-M

Mid-Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Mid-Atlantic Fishery Management Council will hold a public meeting on December 6-7, 1989, at the Dunes Manor Hotel, 28th Street and The Ocean, Ocean City, MD. The Council will begin meeting on December 6, 1989, at 8 a.m., and will adjourn during the afternoon of December 7. The Council will discuss striped bass management, receive a report from the Squid/Mackerel/Butterfish Committee, and discuss other fishery management and administrative matters. The public meeting may be lengthened or shortened depending upon progress on the agenda. The Council also may hold a closed session (not open to the public) to discuss employment and/or national security matters.

FOR FURTHER INFORMATION CONTACT: John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901; telephone: (302) 674-2331.

Dated: November 9, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.

[FR Doc. 89-26872 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Postponement of Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The public meeting on November 8, 1989, of the South Atlantic Fishery Management Council's Shark Advisory Panel, previously published at 54 FR 41602, to be held at the South Atlantic Council's headquarters (address below), has been postponed. The postponement will allow the South Atlantic Council to review the draft Secretarial Shark Fishery Management Plan at its December 2, 1989, public meeting, at its headquarters.

Information regarding rescheduling of the Shark Advisory Panel public meeting will be published in the Federal Register at a later date.

FOR MORE INFORMATION CONTACT:

Carrie R. F. Knight, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407, telephone: (803) 571-4366.

Dated: November 9, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.

[FR Doc. 89-26873 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council (SAFMC) will hold a joint public meeting with the Gulf of Mexico Fishery Management Council (GMFMC), and the two Council Committees also will hold public meetings during the week of November 27 through December 2, 1989, at the Town and Country Inn, 2008 Savannah Highway, and at the SAFMC's headquarters (address below).

SAFMC's Committees

The Red Drum Committee will meet on November 28, 1989, from 1 p.m., to 5 p.m. The Personnel Committee will

begin its meeting on November 29 at 8 a.m., with a closed session (not open to the public), to discuss employment matters. A public meeting of the King and Spanish Mackerel Committee will follow, and will adjourn at 5 p.m. These meetings will take place at the SAFMC's headquarters.

The Snapper-Grouper Committee will meet on December 1 at 8 a.m. Meetings of the Spiny Lobster, Finance, Habitat and Environmental Protection, and Swordfish Committees will follow. Adjournment is at 6 p.m. The meetings will take place at the Town and Country Inn.

The Swordfish Committee will meet again on Saturday, December 2 from 8 a.m., to 10 a.m., at the SAFMC's headquarters.

SAFMC

The Council will meet at its headquarters on Saturday, December 2 from 10:30 a.m., to 5 p.m., to review reports of the Executive, Finance, Spiny Lobster, Snapper-Grouper, Swordfish, Habitat and Environmental Protection, Law Enforcement, and Red Drum Committees. It also will review the draft Secretarial Shark Fishery Management Plan. In a closed session (not open to the public), the Council will discuss employment matters as a result of recommendations of the Personnel, Advisory Panel Selection, and Scientific and Statistical Selection Committees.

GMFMC Committees

The Shark Management Committee will meet on November 27, 1989, from 2 p.m., to 5:30 p.m. The Budget Committee will meet on November 28 at 8 a.m., followed by meetings of the Reef Fish Management and the Mackerel Management Committees. Adjournment is at 5:30 p.m. The Habitat Protection Committee will meet on November 29 from 8 a.m., to 9:30 a.m.

GMFMC

The Council will meet on November 29 from 9:45 a.m., to 5 p.m., at the Town and Country Inn, to appoint Council committee members, review the Shark, Reef Fish, Habitat Protection, and Budget Committees' reports, and receive the enforcement and director's reports. The Council also will hold a closed session (not open to the public) to discuss employment issues.

Joint SAFMC/GMFMC Meeting

The two Councils will meet on November 30 from 8:30 a.m., to 5 p.m., at the Town and Country Inn, to discuss mackerel issues, and to receive a report

regarding the International Commission for the Conservation of Atlantic Tuna.

A detailed agenda will be available to the public on or about November 14, 1989. For more information about the SAFMC meeting agenda contact Carrie R. F. Knight, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

For more information about the GMFMC meeting agenda contact Wayne F. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: November 9, 1989.

David S. Crestin,

Deputy Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.

[FR Doc. 89-26875 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Limit for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Burma

November 9, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a limit for the new agreement year.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT:

Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1954).

A copy of the current bilateral agreement between the Governments of the United States and the Socialist Republic of the Union of Burma is

available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States** (see **Federal Register** notice 53 FR 44937, published on November 7, 1988).

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

November 9, 1989.

Commissioner of Customs,
Department of the Treasury,
Washington, DC 20229.

Dear Mr. Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1954); pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated August 25, 1987 and September 11, 1987, between the Governments of the United States and the Socialist Republic of the Union of Burma; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1990, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, man-made fiber, silk blend and other vegetable fiber textile products in Categories 340/341/640/641/840, produced or manufactured in Burma and exported during the twelve-month period which begins on January 1, 1990 and extends through December 31, 1990, in excess of the following restraint limit:

Category	12-month limit
340/341/640/641/840	297,754 dozen of which not more than 238,203 dozen shall be in Categories 340/640/840

Imports charged to this category limit for the period January 1, 1989 through December 31, 1989 shall be charged against the level of restraint to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this directive.

The limit is subject to adjustment in the future pursuant to the provisions of the bilateral textile agreement between the Governments of the United States and the Socialist Republic of the Union of Burma.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Philip J. Martello,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-26928 Filed 11-15-89; 8:45 am]

BILLING CODE 3510-DN-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade; Proposed Amendments Relating to Locational Price Differentials Applicable to Deliveries on the Soybean Meal Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Board of Trade ("CBOT" or "Exchange") has submitted proposed amendments to the soybean meal futures contract changing the price differentials currently applicable to deliveries made in four of the contract's existing five non-par delivery territories. The proposed amendments also will establish an automatic mechanism for annually determining the locational price differentials applicable to futures deliveries of soybean meal at regular shipping plants located in non-par delivery territories. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that this proposal is of major economic significance. On behalf of the Commission, the Division is requesting comment on this proposal.

DATE: Comments must be received on or before December 18, 1989.

ADDRESS: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the amendments to the CBOT soybean meal futures contract.

FOR FURTHER INFORMATION CONTACT: Fred Linse, Division of Economic Analysis, 2033 K Street, NW., Washington, DC 20581, telephone (202) 254-7303.

SUPPLEMENTARY INFORMATION: Under the soybean meal futures contract's current terms, the delivery area is divided into six distinct delivery territories. Each delivery territory is assigned a price differential which is applicable to the delivery of soybean meal at any regular shipping plant located in that territory. The par delivery territory is the central territory (which includes Illinois and Kentucky). The non-par delivery territories and their associated price differentials currently are: the Northeast territory (which includes Indiana and Ohio) at a \$3.50 per ton premium; the Mid South territory (which includes Tennessee and Arkansas and parts of Mississippi and Alabama) at a \$4.50 per ton premium; the Missouri territory at a \$2.50 per ton discount; the Eastern Iowa territory (which includes approximately the southeastern quadrant of Iowa) at a \$7.00 per ton discount; and the Northern territory (which includes that part of Iowa not in the Eastern Iowa territory) at a \$9.00 per ton discount. The current terms of the contract do not specify a procedure for routinely changing the contract's locational price differentials.

The proposed amendments to the soybean meal futures contract will reduce the premium for the Northeast territory from \$3.50 to \$3.00 per ton, reduce the discount for the Missouri territory from \$2.50 to \$2.00 per ton, reduce the discount for the Eastern Iowa territory from \$7.00 to \$6.00 per ton, and reduce the discount for the Northern territory from \$9.00 to \$7.00 per ton. Under the proposed amendments, futures deliveries made from regular shipping plants located in the Mid South territory will continue to receive a premium of \$4.50 per ton.

The proposed amendments also will establish a method for automatically adjusting, on an annual basis, the locational price differentials applicable to futures deliveries in non-par delivery territories. Under the terms of the proposal, the price differential applicable to deliveries in each non-par delivery territory will change by no more than one dollar per ton (\$100 per contract of 100 tons) from year to year when changes are required. Changes will not necessarily be required in each year. Adjustments to territorial differentials will be calculated by the Exchange and published by September 15 of each year for application to all deliveries made in the subsequent

calendar year. The boundaries of the contract's existing delivery territories will not be changed.

Under the proposal, the discounts established automatically each year under the Exchange's regulations, applicable to deliveries in each territory in which deliveries are at a discount to the contract price, will be increased (decreased) by fifty cents per ton whenever (1) the average ratio of the number of soybean meal shipping certificates outstanding relative to regular soybean meal processing capacity in that territory is two or more times (one-half or less) the average ratio for all other territories combined, or (2) when this certificates/capacity ratio for the par Central territory is one-half or less (two or more times) the certificates/capacity ratio for all other territories combined.¹ Conversely, for each territory in which deliveries are at a premium to the contract price, the premium will be decreased (increased) by fifty cents per ton under the conditions described in (1) and (2) above. The adjustment for a particular non-par territory for the following year will be one dollar per ton if both of the above conditions are met. In addition, no adjustment in the price differential for any non-par territory for the following year will be made if the weekly average of outstanding CBOT soybean meal shipping certificates is 300 or less in all delivery territories combined. In all cases, delivery in the Central territory will be at par.

The CBOT indicates that the proposed new price differentials will more accurately reflect the current cash market differentials for soybean meal in the contract's delivery area. The Exchange indicates that, in determining the proposed new differentials, it considered soybean meal cash price data, surveys of the views of soybean meal users and shippers, and the opinions of the members of the CBOT's Soybean Meal Committee. The CBOT indicates that, based on its analysis of this information, the proposed new price differentials are consistent with the cash market price relationships within the contract's delivery area.

According to the Exchange, the proposed method for automatically adjusting soybean meal futures price differentials will result in differentials that consistently reflect the differentials

observed in the underlying cash market. In addition, the Exchange expects the amended rules to enhance convergence of cash and futures prices for all delivery territories while achieving an equitable distribution of deliveries throughout the delivery area. The Exchange also believes that implementation of the proposed amendments will result in certain benefits including the following: objective rather than subjective determination of applicable differentials, shortened lag time between determination and implementation of necessary changes in differentials, and gradual adjustment of differentials.

The Exchange intends to make the proposed amendments effective for all soybean meal futures contracts listed after Commission approval.

The Commission is seeking comment on the proposed amendments noted above. In particular, the Commission is requesting comment on the extent to which the proposed new differentials for the Northeast, Missouri, Eastern Iowa and Northern delivery territories reflect cash market price differences for all potential delivery locations in each of these territories. In addition, the Commission is requesting comment on the extent to which the proposed method for automatically adjusting the soybean meal contract's locational delivery differentials will result in differentials that reflect cash market pricing relationships within the contract's delivery area.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by telephone at (202) 254-6314.

The materials submitted by the Exchange in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading

Commission, 2033 K Street NW., Washington, DC by the specified date.

Issued in Washington, DC, on November 9, 1989.

Steven Manaster,
Director.

[FR Doc. 89-26861 Filed 11-15-89; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Closed Meeting; Army Science Board

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB), Army.

Dates of Meeting: 4-5 December 1989.

Time of Meeting: 0800-1700 hours each day.

Place: Aberdeen Proving Ground, Maryland.

Agenda: The Army Science Board Ad Hoc Subgroup on Toxic and Hazardous Waste Management will conduct its next meeting at which time proprietary and classified materiel will be discussed, and the draft of a final report will be formulated. This meeting is closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-26911 Filed 11-15-89; 8:45 am]

BILLING CODE 3710-8-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 6-7 December 1989.

Time: 0800-1600, 6 Dec 89, Ft Rucker, AL, 0830-1530, 7 Dec 89, St Louis, MO.

Place: Fort Rucker, Alabama and St. Louis, Missouri.

Agenda: The Army Science Board Ad Hoc Subgroup on Army Analysis will convene to determine the type and extent of analysis done during the development and assessment

¹ The certificates/capacity ratios described above would be calculated using an average of the number of soybean meal shipping certificates that are reported outstanding on a weekly basis during a soybean crop year (September 1 through August 31). Soybean meal processing capacity would be based on the maximum 24 hour soybean meal production capacity of regular CBOT shipping plants.

of requirements for aviation material systems and force structure. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-26932 Filed 11-15-89; 8:45 am]

BILLING CODE 3710-8-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATE: Interested persons are invited to submit comments on or before December 18, 1989.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 732-3915.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: November 9, 1989.

Carlos U. Rice,

Director for Office of Information Resources Management.

[FR Doc. 89-26906 Filed 11-15-89; 8:45 am]

BILLING CODE 4000-01-M

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: Application for Drug-Free Schools and Communities Programs—Educational Personnel and Training Grants.

Frequency: Annually.

Affected Public: State or local governments; non-profit institutions.

Reporting Burden:

Responses: 500.

Burden Hours: 12,000.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: This application will be used by State and local educational agencies to apply for funding under the Drug-Free Schools and Communities Act. The Department uses the information to make grant awards.

Office of Elementary and Secondary Education

Type of Review: Extension.

Title: Instructions for Performance Status Report—Magnet Schools Program.

Frequency: Annually.

Affected Public: State or local government.

Reporting Burden:

Responses: 54

Burden Hours: 162.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: Grantees are required to submit a performance report under the Magnet School Program. The Department uses this information to

monitor compliance with terms and conditions of the grant awards.

Office of Special Education and Rehabilitative Services

Type of Review: Extension.

Title: Performance Report for the Removal of Architectural Barriers to the Handicapped.

Frequency: Annually.

Affected Public: State and local government.

Reporting Burden:

Responses: 57.

Burden Hours: 29.

Recordkeeping Burden:

Recordkeepers: 0.

Burden Hours: 0.

Abstract: This performance report will be used by State educational agencies who receive grants under the Removal of Architectural Barriers to the Handicapped Program. The Department uses the information to monitor the performance of the grantees.

[FR Doc. 89-26906 Filed 11-15-89; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Advisory Committee on Nuclear Facility Safety

Pursuant to section 14(a)(2)(A) of the Federal Advisory Committee Act (FACA), (Pub. L. 92-463) and in accordance with section 101-6.1015 title 41 Code of Federal Regulations and following consultation with the Committee Management Secretariat, General Services Administration (GSA), notice is hereby given that the Department of Energy (DOE) Advisory Committee on Nuclear Facility Safety (ACNFS) has been renewed for a 2 year period ending November 13, 1991.

The ACNFS provides advice and recommendations to the Secretary of Energy on the safety of the Department's nuclear production and utilization facilities. Such facilities include the Department's production reactors, test reactors, research reactors, and associated nuclear processing facilities. The Committee is composed largely of recognized experts in the field of nuclear energy from outside the Department, and are appointed by the Secretary of Energy.

The Committee members are chosen to ensure an appropriately balanced representation of the industry and users affected, including those of residential, commercial and industrial consumers, and where appropriate, from state and local governments and state regulatory utility commissions. The ACNFS

membership is made up of professionals who work in the private and academic sectors, reside in various parts of the country, and specialize in a wide array of disciplines within or pertinent to the nuclear energy field. Membership and representation of all interests will continue to be determined in accordance with the requirements of the Federal Advisory Act and section 624(b) of the DOE Organization Act (Pub. L. 95-91) and implementing regulations.

The renewal of the ACNFS has been determined necessary and in the public interest in connection with the performance of duties imposed upon the DOE by law. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the DOE Organization Act (Pub. L. 95-91), and the GSA Final Rule on Federal Advisory Committee Management, and the implementing regulations.

Further information regarding this advisory committee may be obtained from Elinor Donnelly at (202) 586-3448.

Issued at Washington, DC on November 13, 1989.

Howard H. Raiken,

Advisory Committee, Management Officer.

[FR Doc. 89-26962 Filed 11-15-89; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. QF89-285-001, et al.]

Crater Lake Lumber Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

November 8, 1989.

Take notice that the following filings have been made with the Commission:

1. Crater Lake Lumber Co.

[Docket No. QF89-285-001]

On October 23, 1989, Crater Lake Lumber Co. (Applicant) of HC 67 Box 307, Chiloquin, Oregon 97624, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility is located in Klamath County, Oregon. The facility consists of a boiler and a back-pressure steam turbine generator. Thermal energy recovered from the facility is utilized for drying lumber and space heating. The electric power production capacity of the facility is 2500 KW. The primary source of

energy is wood waste in the form of wood chips, planer shavings, bark and sawdust. Operation of the facility began in February 1989.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

2. Virginia Turbo Power Systems-II, L.P.

[Docket No. QF89-205-001]

On October 26, 1989, Virginia Turbo Power Systems-II, L.P. (Applicant), of P.O. Box 1396, Houston, Texas, 77251, submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Unionville, Orange County, Virginia. The facility will consist of a combustion turbine-generator, a heat recovery boiler, a condensing-extraction steam turbine generator, a gas to water heat exchanger, a steam to water heat exchanger and a hot water storage tank. Thermal energy from the facility will be sold to Battlefield Farms, Inc. for use in heating an existing 11.8-acre greenhouse located adjacent to the cogeneration facility. The maximum net electric power production capacity of the facility will be 129,151 KW. The primary energy source will be natural gas. Installation was scheduled to commence during the fourth quarter of 1989.

The original application was filed on March 24, 1989, and granted on July 26, 1989 (48 FERC ¶ 62,076). The recertification is requested due to an ownership change of the facility. Jefferson Energy Company, an indirect wholly owned subsidiary of SCE Corp, an electric utility holding company, will have 50% ownership interest in the facility.

Comment date: Thirty days from publication in the Federal Register, in accordance with Standard Paragraph E at the end of this notice.

3. Arkansas Power & Light Co.

[Docket No. ER90-28-000]

Take notice that Arkansas Power & Light Company (AP&L) filed on November 3, 1989 revised Page 6 of Appendix A to the Transmission Service Agreement with the City of Hope, Arkansas, that was initially filed on October 19, 1989.

Appendix A to the Agreement contains a formula transmission rate. The revision represents a technical correction changing the operational sign

in front of variable ITCWO in the rate formula from a plus (+) to a minus (-).

Comment date: November 22, 1989, in accordance with Standard Paragraph E end of this notice.

4. Pacific Gas and Electric Co.

[Docket No. ER90-49-000]

Take notice that on October 31, 1989, Pacific Gas and Electric Company (PG&E) tendered for filing as a rate schedule a contract with the City of Santa Clara, California (Santa Clara) entitled "Settlement Agreement Concerning FERC Docket No. E-7777-000 (II), et al. Between the Pacific Gas and Electric Company and the City of Santa Clara Providing For Transmission and Support Services" (Settlement Agreement) dated September 22, 1989. The Settlement Agreement and its appendices contain rates and charges for firm and as-available transmission service, support services and optional replacement power proposed to be sold to Santa Clara by PG&E.

Service would commence on January 1, 1990 and continue for up to approximately 17 years, subject to possible termination no earlier than April 1, 1997. PG&E would provide to Santa Clara: (a) Up to 25 MW of firm transmission service between the Nevada-Oregon border and PG&E's Midway Substation, and between Midway and the border; (b) up to 22 MW (coincident schedule) of as-available transmission service from Midway Substation to Santa Clara's point of delivery and from Santa Clara resources to PG&E's service area to Midway; and (c) support and replacement power services in the event of curtailed or terminated transmission service.

Copies of this filing were served upon Santa Clara and the Public Utilities Commission of the State of California as well as other participants in this docket.

Comment date: November 22, 1989, in accordance with Standard Paragraph E at the end of this notice.

5. UtiliCorp United Inc.

[Docket No. ES90-8-000]

Take notice that on November 3, 1989, UtiliCorp United Inc. ("Applicant") file an application with the Federal Energy Regulatory Commission ("Commission"), pursuant to section 204 of the Federal Power Act, seeking authority to issue, from time to time, up to and including \$200 million of unsecured notes, final maturities no later than December 31, 1992.

Comment date: December 1, 1989, in accordance with Standard Paragraph E at the end of this notice.

6. Carolina Power & Light Co.

[Docket No. ER89-124-000]

Take notice that on November 3, 1989, Carolina Power & Light Company (CP&L) filed revisions to Appendix C and Exhibit C and Exhibit No. 1 to the Amendment to the Interchange Agreement between CP&L and Duke Power Company (Duke) dated March 20, 1987 (CP&L Rate Schedule FPC No. 45 and Duke Rate Schedule FPC No. 10). The revisions which included spreading CP&L's daily transmission rate over 16 hours per day in order to calculate CP&L's hourly transmission rate and capping CP&L's charges for hourly transmission service at the daily rate per KW times the highest amount (KW) transmitted in any hour of the day being made in response to a Commission's Staff's directive. CP&L is also unilaterally filing updated rates for production demand and transmission use based on 1989 projecting costs. These changes are requested to become effective on the date the Commission accepts this filing.

Comment date: November 22, 1989, in accordance with Standard Paragraph E at the end of this notice.

7. Southern California Edison Company

[Docket No. ER90-58-000]

Take notice that on November 7, 1989, Southern California Edison Company (Edison) tendered for filing, the following Letter Agreement No. 3:

Letter Agreement No. 3 to the Edison-SMUD Power Sale Agreement Between Southern California Edison Company (Edison) and Sacramento Municipal Utility District (SMUD)

The Letter Agreement amends the Edison-SMUD Power Sale Agreement to extend to date by which SMUD is to advise Edison that SMUD has made satisfactory transmission arrangements for its purchase from Edison to November 30, 1989.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: November 22, 1989, in accordance with Standard Paragraph E at the end of this notice.

8. Pacific, doing business as Pacific Power & Light Co. Utah Power & Light

[Docket No. ER90-57-000]

Take notice that PacifiCorp, doing business as Pacific Power & Light, on November 6, 1989, tendered for filing, in accordance with section 35.13 of the Commission's Regulations, Amendment No. 1 to Contract No. 87-LAO-298 and supplement No. 25 to Contract No. 14-06-400-2537 between PacifiCorp and the

United States Department of Energy, Western Area Power Administration (Western). These contracts are both part of the PacifiCorp/Pacific Power & Light Company's Rates Schedule No. 45.

PacifiCorp requests waiver of the Commission's notice requirements to permit this rate schedule change to become effective August 29, 1989, this date being consistent with the effective dates of the Contracts.

Copies of the filing were supplied to the Wyoming Public Service Commission and Western.

Comment date: November 22, 1989, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-26682 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF87-237-001]

Midland Cogeneration Venture Limited Partnership; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility and Petition for Temporary Waiver of Operating and Efficiency Standards

November 9, 1989.

On November 2, 1989, Midland Cogeneration Venture Limited Partnership (Applicant) of 100 Progress Place, Midland, Michigan 48640 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. On November 7, 1989, Applicant submitted, as an accompaniment to the application, a petition for temporary waiver of the operating and efficiency standards for

qualifying cogeneration facilities contained in § 292.205 of the Commission's regulations. No determination has been made that the submittals constitute a complete filing.

The topping-cycle cogeneration facility is located at 100 Progress Place, Midland, Michigan 48640. The facility consists of 12 combustion turbine generators, 12 heat recovery boilers of which six are equipped for supplementary firing, an extraction/condensing steam turbine generator, and a back-up extraction/condensing steam turbine generator. The primary energy source is natural gas. Thermal energy recovered from the facility will be used by Dow Chemical Company for process uses and space heating. The net electric power production capacity of the facility will be approximately 1,393.7 MW.

Certification on the original application was issued on March 12, 1987 (38 FERC ¶ 61,244 (1987)). The recertification is requested due to (1) inclusion of the above referenced back-up steam turbine generator, (2) changes in the partnership agreement, and (3) changes in provisions of agreements providing for the transfer of assets to the Partnership. CMS Midland (CMS) a wholly-owned subsidiary of Consumer Power Company, an electric utility, will have an ownership interest in the facility. Applicant states that CMS's equity interest in the facility will not exceed 50%. The temporary waiver of the operating and efficiency standards is requested for the period June 2, 1989 through December 31, 1989.

Any person desiring to be heard or objecting to the granting of qualifying status should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such petitions or protests must be filed no later than November 28, 1989 and must be served on the Applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-26683 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-204-000, et al.]

Tennessee Gas Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Tennessee Gas Pipeline Company

[Docket No. CP90-204-000]

November 8, 1989.

Take notice that on October 31, 1989, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP90-204-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Kimball Resources, Inc. (Kimball), a gas marketer, under Tennessee's blanket certificate issued in Docket No. CP87-115-000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that, pursuant to a transportation agreement dated September 22, 1989, it proposes to transport up to 25,000 Dt. per day of natural gas for Kimball. Tennessee further states that the agreement provides for it to receive the gas from various existing receipt points located in Louisiana, offshore Louisiana, Texas, offshore Texas and Mississippi and to redeliver the gas to various existing points of delivery located in Louisiana, Mississippi, Tennessee and Texas. Kimball has informed Tennessee that it expects to have the full 25,000 Dt. transported on an average day and, based thereon, estimates that 9,125,000 Dt. would be transported annually. Tennessee advises that, the service commenced October 7, 1989, as reported in Docket No. ST90-253-000 (filed October 27, 1989), pursuant to § 284.223 of the Commission's Regulations.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. United Gas Pipe Line Company

[Docket No. CP90-196-000]

November 8, 1989.

Take notice that on October 31, 1989, United Gas Pipe Line Company, (United), P.O. Box 1473, Houston, Texas 77251-1478, filed a request with the Commission in Docket No. CP90-196-000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for permission and approval to abandon a meter station used to measure natural gas volumes delivered to South Coast

Sugars, Inc. (South Coast), a direct industrial sales customer, under United's blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

United states that it proposes to abandon its meter station at Homeplace Settlement, Lafourche Parish, Louisiana, because South Coast requested United to terminate its natural gas deliveries as of December 31, 1988. United also states that its proposed abandonment of measuring facilities would not cause an inconvenience for its other customers.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. United Gas Pipe Line Company

[Docket No. CP90-213-000]

November 8, 1989.

Take notice that on November 2, 1989, United Gas Pipe Line Company, (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-213-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Texican Natural Gas Company (Texican), a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization to transport, on an interruptible basis, up to a maximum of 20,600 MMBtu of natural gas per day for Texican from receipt points located in Louisiana, Offshore Louisiana and Texas to delivery points located in Louisiana. United anticipates transporting an annual volume of 7,519,000 MMBtu.

United states that the transportation of natural gas for Texican commenced September 20, 1989, as reported in Docket No. ST90-149-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to United in Docket No. CP88-6-000.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. United Gas Pipe Line Company

[Docket No. CP90-209-000]

November 8, 1989.

Take notice that on November 2, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-209-000 a request pursuant to § 157.205 of the

Commission's Regulations for authorization to provide transportation on behalf of Texaco Gas Marketing Inc. (Texaco) under United's blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United requests authorization to transport, on an interruptible basis, up to maximum of 360,500 MMBtu of natural gas per day for Texaco from receipt points located in Louisiana, Mississippi and Texas to delivery points located in Louisiana and Mississippi. United anticipates transporting, on an average day 360,500 MMBtu and an annual volume of 131,582,500 MMBtu.

United states that the transportation of natural gas for Texaco commenced September 12, 1989, as reported in Docket No. ST90-150-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to United in Docket No. CP88-6-000.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. Questar Pipeline Company

[Docket No. CP90-184-000]

November 8, 1989.

Take notice that on October 31, 1989, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP90-184-000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas for NGC Transportation Inc. (NGC), under Questar's blanket certificate issued in Docket No. CP88-650-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Questar proposes to transport, on an interruptible basis, up to 20,000 MMBtu equivalent on a peak day, 20,000 MMBtu equivalent on an average day and 7,300,000 MMBtu equivalent on an annual basis for NGC. It is stated that Questar would receive the gas at existing points on Questar's system and would deliver equivalent volumes at an interconnection with NGC. It is explained that the transportation service commenced September 27, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90-87.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. United Gas Pipe Line Company

[Docket No. CP90-211-000]

November 8, 1989.

Take notice that on November 2, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed a request for authorization at Docket No. CP90-211-000, pursuant to Sections 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act to provide interruptible transportation service on behalf of Transworld Oil U.S.A., Inc., (Transworld) a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that under the interruptible gas transportation agreement, dated September 11, 1989, between United and Transworld, United proposes to transport a maximum daily quantity of 103,000 MMBtu. It is stated that gas would be received from receipt points in the States of Texas, Mississippi, and Louisiana to delivery points in the States of Texas, Mississippi, and Alabama. United also states that the estimated daily and annual quantities would be 103,000 and 37,595,000, respectively. El Paso further states that transportation service commenced September 30, 1989, as reported in Docket No. ST90-160-000, pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Tennessee Gas Pipeline Company

[Docket No. CP90-217-000]

November 8, 1989.

Take notice that on November 6, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP90-217-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a firm transportation service for Tenngasco Corporation (Tenngasco), a marketer acting as agent for the parties listed in Exhibit "D" to the transportation agreement, under the blanket certificate issued in Docket No. CP87-115-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated September 18, 1989, as amended, under its Rate Schedule FT-A, it proposes to transport up to 24,000 dekatherms (dt) per day equivalent of natural gas for Tenngasco. Tennessee states that it would transport the gas for Tenngasco from receipt points located offshore Louisiana, and in the states of Louisiana and Texas. Tennessee further states that the points of delivery are located in the states of West Virginia and Tennessee, and the ultimate points of delivery are located in the states of Kentucky, Tennessee, Louisiana, Virginia, West Virginia, Illinois, and Indiana.

Tennessee advises that service under § 284.223(a) commenced October 1, 1989, as reported in Docket No. ST90-329-000 (filed October 31, 1989). Tennessee further advises that it would transport 24,000 dt on an average day and 8,760,000 dt annually.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. El Paso Natural Gas Company

[Docket No. CP90-160-000]

November 8, 1989.

Take notice that on October 30, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed a request at Docket No. CP90-160-000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide interruptible transportation service for BridgeGas U.S.A., Inc. (BridgeGas), a gas marketer, under its blanket certificate issued at Docket No. CP88-433-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request for authorization on file with the Commission and open to public inspection.

Pursuant to a transportation agreement dated June 7, 1989, El Paso requests authority to transport up to 26,375 MMBtu of natural gas per day for BridgeGas. El Paso states that the agreement provides for it to receive the gas at various existing points of receipt along its system and to redeliver it to various existing points of delivery in Oklahoma. BridgeGas has informed El Paso that it expects to have only 10,550 MMBtu transported on an average day and, based thereon, El Paso estimates that 3,850,750 MMBtu would be transported annually. El Paso advises that the transportation service commenced on September 18, 1989, as reported at Docket No. ST90-155-000, pursuant to § 284.223(a) of the Commission's Regulation.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. United Gas Pipe Line Company

[Docket No. CP90-212-000]

November 8, 1989.

Take notice that on November 2, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed a request with the Commission in Docket No. CP90-212-000 pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) for authorization to provide firm transportation service on behalf of Triumph Natural Gas Limited Partnership, a natural gas marketer, under United's blanket certificate issued in Docket No. CP88-6, all as more fully set forth in the request which is open to public inspection.

United states that it proposes to transport, pursuant to their August 22, 1989, agreement, 25,173 MMBtu equivalent of natural gas on peak and average days, and 9,188,145 MMBtu annually. United states that it commenced service on September 1, 1989, under the automatic 120-day authorization provisions of § 284.223(a) of the Regulations as reported in Docket No. ST90-162. United also states that it would receive such gas at existing interconnections in Eugene Island Blocks 37, 38, 57 and 58, offshore Louisiana, and deliver gas at existing interconnections for shipper's behalf in Pike County, Mississippi, and St. Mary Parish, Louisiana.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Northwest Pipeline Corporation

[Docket No. CP90-157-000]

November 9, 1989.

Take notice that on October 27, 1989, Northwest Pipeline Corporation (Northwest, 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP90-157-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (19 CFR 157.205) for authorization to transport natural gas for Union Pacific Resources Company (Union Pacific), a marketer and producer of natural gas, under Northwest's blanket certificate issued in Docket No. CP86-578-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to transport up to 75,000 MMBtu equivalent of natural gas on a peak day, 100 MMBtu equivalent on an average day and 36,500 MMBtu equivalent on an annual basis for Union Pacific. It is stated that Northwest would transport the gas through various existing points on Northwest's system and would deliver equivalent volumes at various points in Wyoming, Utah, Colorado, and Idaho.

It is asserted that the service would be effected using existing facilities and that no construction of facilities would be required. It is explained that the transportation service commenced September 24, 1989, under the self-implementing authorization of § 284.223 of the Commission's Regulations as reported in Docket No. ST90-184-000.

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. Texas Gas Transmission Corporation

[Docket No. CP90-139-000]

November 9, 1989.

Take notice that on October 27, 1989, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed in Docket No. CP90-139-000, an application pursuant to section 7(b) of the Natural Gas Act requesting an order permitting and approving the abandonment of a 3,580-foot segment of 12-inch pipeline located in East Lake Palourde Field, Assumption Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas originally installed the segment of 12-inch pipeline to attach certain reserves controlled by Union Oil of California (Union) in East Lake Palourde Field pursuant to authority granted to it by the Commission on December 7, 1955, in Docket No. G-8828 (14 FPC 480 (1955)). Texas Gas states that the segment of pipeline has deteriorated to the point that it is not economically feasible to be refurbished for continued usage. Texas Gas further states that Union has other facilities located in the immediate area which can be utilized to continue the deliverance of the volumes of natural gas purchased by Texas Gas in the East Lake Palourde Field.

Comment date: November 30, 1989, in accordance with Standard Paragraph F at the end of this notice.

12. United Gas Pipe Line Company

[Docket No. CP90-200-000]

November 9, 1989.

Take notice that on October 30, 1989, United Gas Pipe Line Company (United),

P.O. Box 1478, Houston, Texas 77251-1478, pursuant to section 7(c) of the Natural Gas Act, and the Commission's regulations filed in Docket No. CP89-200-000 an application for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas for direct sale to GAF Building Materials Corporation (GAF) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that United would transport and deliver up to 1,000 Mcfd of natural gas for direct sale to GAF in Dallas, Texas, under its interruptible Rate Schedule No. 88-107.

United also proposes to operate the tap and metering facilities at the delivery point which were originally constructed pursuant to Section 311 of the Natural Gas Policy Act.

Comment date: November 30, 1989, in accordance with Standard Paragraph F at the end of this notice.

13. United Gas Pipe Line Company

[Docket No. CP90-210-000]

November 9, 1989.

Take notice that on November 2, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-210-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service on behalf of Texaco Gas Marketing, Inc. (Texaco), a marketer of natural gas, under its blanket certificate issued in Docket No. CP88-6-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that it proposed to transport natural gas on behalf of Texaco from various points of receipt located in Texas, Louisiana and Mississippi to various points of delivery located in Louisiana, Texas and Mississippi.

United further states that the maximum daily, average daily and annual quantities that it would transport on behalf of Texaco would be 103,000 MMBtu equivalent, 103,000 MMBtu equivalent and 37,595,000 MMBtu equivalent of natural gas, respectively.

United indicates that in Docket No. ST90-148, filed with the Commission on October 17, 1989, it reported that transportation service for Texaco had begun under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: December 26, 1989, in accordance with Standard Paragraph G at the end of this notice.

14. Florida Gas Transmission Company

[Docket No. CP87-166-007]

November 9, 1989.

Take notice that on October 24, 1989, Florida Gas Transmission Company (FGT), P.O. Box 1188, Houston, Texas 77251-1188, petitioned the Commission in Docket No. CP87-166-007 to amend the order issued August 13, 1987, in Docket No. CP87-166-000, for authorization pursuant to section 7(c) of the Natural Gas Act (NGA) to add seven existing receipt points to its natural gas transportation service for Enron Industrial Natural Gas Company (Enron Industrial), a Hinshaw pipeline, all as more fully set forth in the petition to amend which is open to public inspection.

FGT proposes to add two interconnections on its pipeline system with Houston Pipe Line Company in Matagorda and Refugio Counties, Texas; an interconnection with Southern Natural Gas Company in Washington, Parish, Louisiana; an interconnection with Texas Eastern Transmission Corporation in St. Landry Parish, Louisiana; an interconnection with Texas Gas Transmission Corporation in Acadia Parish, Louisiana; an interconnection with Transcontinental Gas Pipe Line Corporation in Vermilion Parish, Louisiana; and an interconnection with Truckline Gas Company in Calcasieu Parish, Louisiana. FGT would add these seven interconnections as receipt points to its FERC Rate Schedule X-27 for servicing Enron Industrial.

Comment date: November 30, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

Standard Paragraph

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a

proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,
Secretary.

[FR Doc. 89-26886. Filed 11-15-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. CP90-163-000, et al.]

Texas Gas Transmission Corp., et al.; Natural Gas Certificate Filings

November 7, 1989.

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Corporation

[Docket No. CP90-163-000]

Take notice that on October 30, 1989, Texas Gas Transmission Corporation (Texas Gas), P.O. Box 1160, Owensboro, Kentucky 42302, filed, in Docket No.

CP90-163-000, an application pursuant to section 7(c) of the Natural Gas Act and part 157 of the Commission's Regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase peak withdrawal capabilities at Texas Gas' Midland Storage Field, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to add twenty-eight new storage wells and install approximately 4.88 miles of 4-inch and 6-inch diameter pipeline in the Midland Storage Field. Texas Gas states that the grant of the authorizations requested will enable Texas Gas to increase the peak day deliverability by 100,000 Mcf.

The estimated cost is \$8,803,720 to be financed from funds on hand.

Comment date: November 28, 1989, in accordance with Standard Paragraph F at the end of this notice.

2. Equitrans, Inc.

[Docket No. CP90-155-000]

Take notice that on October 27, 1989, Equitrans, Inc. (Equitrans), 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205, filed in Docket No. CP90-155-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport gas on an interruptible basis for Natural Gas Clearinghouse (NGC) under its blanket certificate issued in Docket No. CP86-553 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Equitrans states that it would receive the gas for NGC at various existing points of receipt in Pennsylvania, and would redeliver the gas at various existing delivery points located in Pennsylvania.

Equitrans further states that the maximum daily, average daily and annual quantities that it would transport for NGC would be 49,000 Mcf of natural gas, 4,000 Mcf of natural gas and 1,460,000 Mcf of natural gas, respectively.

Equitrans indicates that in a filing made with the Commission in Docket No. ST90-159, it reported that transportation service for NGC commenced on September 1, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this paragraph.

3. Southern Natural Gas Company

[Docket No. CP90-175-000]

Take notice that on October 30, 1989, Southern Natural Gas Company (Southern), Post Office Box 2563, Birmingham, Alabama 35202-2563, filed in Docket No. CP90-175-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate a sales tap, pipeline, metering and appurtenant facilities and to provide transportation through said facilities to Freeport-McMoran Resource Partners Limited Partnership (FMRP), and end user, under Southern's blanket certificate issued in Docket No. CP82-406-000 and Docket No. CP88-316-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Southern states that it proposes to construct and operate approximately 3.75 miles of 8-inch pipeline, a meter station and appurtenant facilities in order to provide firm transportation as well as interruptible transportation, if necessary, to FMRP for use at its proposed Sulphur Mine to be located in Main Pass Block 299, offshore Louisiana. Southern further states that it proposes to install the facilities from Main Pass Block 298 to Block 299, offshore Louisiana, at an estimated construction and installation cost of \$2,828,970. Southern indicates that the installation of the proposed facilities would have no adverse impact on its peak day or annual requirements.

Southern states it would perform the proposed firm transportation service for FMRP pursuant to a service agreement dated August 25, 1989, under Southern's Rate Schedule FT. Southern further states that the service agreement provides for a maximum quantity of 20,000 Mcf of gas on a peak day and FMRP anticipates requesting the entire 20,000 Mcf of gas on an average day after commencement of full mining operations, resulting in 7,300,000 Mcf of gas being transported on an annual basis. Southern indicates that it would perform the proposed interruptible transportation service for FMRP pursuant to a service agreement dated August 25, 1989, under Southern's Rate Schedule IT. Southern further indicates that the service agreement provides for a maximum transportation quantity of 25,000 MMBtu per day. FMRP only will use the interruptible transportation to supplement its firm transportation, if necessary, to meet fluctuating gas requirements and estimates that it may

require 10,000 MMBtu of gas on an average day, it is stated. Southern states that this would result in an estimated quantity of 3,650,000 MMBtu of gas being transported on an annual basis pursuant to the IT service agreement. Southern indicates that it would receive the gas under both agreements at various receipt points located in the offshore areas of Louisiana and Texas and in the states of Alabama, Mississippi, Louisiana and Texas for delivery to FMRP at the FMRP Meter Station located on FMRP's Main Pass 299 platform in Main Pass Block 299, offshore Louisiana.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. Valero Interstate Transmission

[Docket No. CP89-2187-000]

Take notice that on September 27, 1989, Valero Interstate Transmission (Vitco), Post Office Box 1569, San Antonio, Texas 78292, filed in Docket No. CP89-2187-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sales service of natural gas it provides to Natural Gas Pipeline Company of America (Natural), made under Vitco's Rate Schedule S-1, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Vitco states that by virtue of an agreement between the parties, the November 1, 1958, contract for sales of gas made to Natural terminated as of July 1, 1989.

Comment date: November 28, 1989, in accordance with Standard Paragraph F at the end of this notice.

5. Natural Gas Pipeline Company of America

[Docket No. CP90-180-000]

Take notice that on October 31, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90-180-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Acacia Gas Corporation (Acacia), a marketer of natural gas, under its blanket authorization issued in Docket No. CP86-582-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural would perform the proposed interruptible transportation service for Acacia, pursuant to an interruptible

transportation service agreement dated August 24, 1988 (Agreement No. IGP-1381). The transportation agreement is effective for a primary term ending September 1, 1989, and shall continue month to month thereafter unless terminated by five days prior notice by either party. Natural proposes to transport up to a maximum of 40,000 MMBtu of natural gas per day (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS). Acacia advised Natural that the volume anticipated to be transported on an average day is 15,000 MMBtu; and based on that average day figure, the annual volume to be transported is 5,475,000 MMBtu. Natural proposes to receive the subject gas at various points located in the states of Arkansas, Illinois, Iowa, Kansas, Louisiana, Offshore Louisiana, Texas and Offshore Texas. It is stated that the delivery points are located in Illinois, Oklahoma, Offshore Louisiana and Offshore Texas. Natural avers that no new facilities are required to provide the proposed service.¹

It is explained that the proposed service is currently being performed pursuant to the 120-day self-implementing provision of § 284.223(a)(1) of the Commission's Regulations. Natural commenced such self-implementing service on September 4, 1989, as reported in Docket No. ST90-299-000.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90-202-000]

Take notice that on October 31, 1989, Transcontinental Gas Pipe Line Corporation, (Transco) P.O. Box 1396,

¹ Natural states that Receipt Point Nos. 12, 34, 92, 101, 110, 139, 142, 147, 173, 236, 262, 266, 302, 377, and 425 as listed in Exhibit A to the transportation agreement are described therein as 'proposed' points. Although these receipt points have been included in the agreement at Acacia's request, Natural states that no agreement has been reached concerning construction. Natural further states that any necessary authorizations will be obtained prior to constructing these points and utilizing them for service hereunder. Natural also states that Exhibit A incorrectly lists the existing Receipt Point Nos. 299, 318 and 388 as 'proposed' points. According to Natural, these points were originally constructed as facilities to be utilized solely for transportation authorized by section 311 of the NGPA and subpart B of part 284. Natural avers that use of Point Nos. 318 and 388 for jurisdictional service was reported in Natural's Annual Report for Blanket Certificate Activities in Docket No. CP82-402-000 filed May 1, 1989. Natural further states that use of Point No. 299 for jurisdictional service will be reported in Natural's Annual Report for Blanket Certificate Activities which will be filed on or before May 1, 1990.

Houston, Texas, 77251 filed in Docket No. CP90-202-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Fina Oil and Chemical Company (Fina), under its blanket authorization issued in Docket No. CP88-328-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Transco would perform the proposed interruptible transportation service for Fina, pursuant to a service agreement dated July 20, 1989 (System Contract No. 000.3344). The term of the service agreement shall be effective as of July 20, 1989, and shall remain in force and effect through August 19, 1989, and thereafter until terminated by either party upon at least 30 days written notice to the other party. Transco proposes to transport on a peak day up to 149,000 dekatherm equivalent; on an average day up to 40,000 dekatherm equivalent; and on an annual basis 14,600,000 dekatherm equivalent of natural gas for Fina. Transco proposes to receive the subject gas at various existing receipt points in onshore and offshore Louisiana and offshore Texas. Transco would then redeliver the gas at various existing delivery points in onshore Louisiana. Transco proposes to charge the then effective, applicable rates and charges under its IT rate schedule. Transco avers there is no agency relationship under which a local distribution company or an affiliate of Fina would receive gas on behalf of Fina.

It is explained that the proposed service is currently being performed pursuant to the 120-day self-implementing provision of § 284.223(a)(1) of the Commission's Regulations. Transco commenced such self-implementing service on September 8, 1989, as reported in Docket No. ST90-20-000.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90-173-000]

Take notice that on October 30, 1989, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP90-173-000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to add a delivery point for service to South Carolina Pipeline

Corporation (South Carolina), an existing transportation customer of Transco, under Transco's blanket certificate issued in Docket No. CP82-426-000 pursuant to section 7 of the Natural Gas Act, all as more fully detailed in the request which is on file with the Commission and open to public inspection.

Transco proposes to install the additional delivery point on Transco's mainline in Anderson, South Carolina in order to facilitate the existing firm transportation service for South Carolina which Transco was authorized to perform in Docket No. CP88-68-00 *et al.* It is stated that the delivery point would be designed for a maximum of 12,000 Mcf per day and that this would not affect South Carolina's daily entitlement of 29,300 Mcf per day. It is asserted that Transco's tariff does not prohibit the addition of the delivery point and that Transco has sufficient flexibility to accomplish the deliveries at the additional point without detriment to Transco's other customers. It is explained that the end use of the gas would be for residential and small commercial markets. It is stated that Transco would construct and operate a 4-inch hot tap and appurtenant facilities for the additional delivery point.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. Northwest Pipeline Corporation

[Docket No. CP90-206-000]

Take notice that on October 31, 1989, Northwest Pipeline Corporation (Northwest), P.O. Box 8900, Salt Lake City, Utah 84108-0899 filed in Docket No. CP90-206-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to transport gas on an interruptible basis for Grand Valley Gathering System (Grand Valley), a gatherer and reseller, under Northwest's blanket certificate issued in Docket No. CP86-578-000 pursuant to section 7 of the Natural Gas Act, all or more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest states that pursuant to a transportation agreement dated October 21, 1988, as amended on December 5, 1988, it proposes to transport up to 20,000 million Btu per day of natural gas for Grand Valley. Northwest states it would receive the gas at any receipt point on Northwest's system and redeliver the gas at any delivery point on Northwest's system. Northwest estimates that the peak day volumes,

average volumes, and annual volumes would be 20,000 million Btu, 10,000 million Btu, and 3,650,000 million Btu, respectively. It is stated that Northwest has not initiated a 120-day transportation service for Grand Valley under § 284.223(a) of the Commission's Regulations.

Northwest indicates that once it is authorized to provide the proposed transportation service, it intends to make a new receipt point available by constructing and operating a new tap and meter station on its Union Oil transmission lateral in Garfield County, Colorado. Northwest states that the service would be performed for a primary term expiring on February 10, 1995, but would continue month to month thereafter subject to termination upon thirty business days written notice by either party. Northwest proposes to charge rates and abide by the terms and conditions of its Rate Schedule TI-1.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Tennessee Gas Pipeline Company

[Docket No. CP90-178-000]

Take notice that on October 31, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP90-178-000 a request pursuant to § 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for BP Gas Inc. (BP), a marketer of natural gas, under its blanket certificate issued in Docket No. CP87-115-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Tennessee states that it would transport natural gas for BP from various receipt points in Louisiana, offshore Louisiana, Texas, offshore Texas, Mississippi, Alabama, Ohio and New York to various interconnections between Tennessee and certain local distribution companies and pipelines. The ultimate delivery points are located in multiple states.

Tennessee states that the maximum daily, average daily and annual quantities that it would transport for BP would be 400,000 dt equivalent of natural gas, 400,000 dt equivalent of natural gas and 146,000,000 dt equivalent of natural gas, respectively.

Tennessee indicates that in Docket No. ST90-235, filed with the Commission on October 26, 1989, it reported that transportation service for BP had begun on September 28, 1989 under the 120-day

automatic authorization provisions of § 284.223(a).

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. ANR Pipeline Company

[Docket No. CP90-149-000]

Take notice that on October 27, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP90-149-000 a request pursuant to §§ 157.205 and 284.223 of the Commission Regulations for authorization to transport natural gas for Santanna Natural Gas Corporation (Santanna), under ANR's blanket certificate issued in Docket No. CP88-532-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

ANR states that the transportation service will be provided pursuant to a transportation agreement dated September 1, 1989, wherein ANR proposes to transport natural gas on an interruptible basis for Santanna. ANR states that it would receive the gas at ANR's existing points of receipt in the states of Oklahoma, Louisiana, Texas, Wisconsin and Kansas and the offshore Louisiana and Texas gathering areas and redeliver the gas for the account of Santanna at existing interconnections located in the state of Wisconsin.

ANR proposes to transport on a peak day up to 75,000 dekatherms (dt), with an estimated average daily quantity of 75,000 dt. On an annual basis, ANR could transport up to 27,375,000 dt.

ANR also states that no construction of new facilities will be required to provide this transportation service.

ANR states that service for Santanna under § 284.223(a) commenced September 16, 1989, as reported in Docket No. ST90-131-000.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

12. United Gas Pipe Line Company

[Docket No. CP90-201-000]

Take notice that on October 31, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-201-000 a request pursuant to §§ 157.205 and 157.216 of the Commission's Regulations for authorization to abandon and remove certain metering facilities used to serve a direct industrial customer, under United's blanket certificate issued in Docket No. CP82-430-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which

is on file with the Commission and open to public inspection.

United requests authorization to abandon and remove a sales meter station, formerly serving Boral Bricks, Inc. (Boral Bricks), located in Lincoln County, Mississippi. It is stated that the meter station consists of two positive meters, two regulators, a separator and various relief and other type valves. United indicates that the meter station was certificated in Docket No. G-232 and that sales service to Boral Bricks was abandoned in Docket No. CP86-742. United states that Boral Bricks requested in a letter that United remove its facilities.

United indicates that the meter station is located on United's 2-inch line, now serving Entex, Inc. (Entex), a local distribution company, who resells gas to Boral Bricks. United states that it does not propose to abandon the 2-inch line serving Entex, therefore the proposed abandonment would not result in any loss of service. United further states that removal of the facilities would be accomplished without detriment or disadvantage to its other existing customers.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

13. Equitrans, Inc.

[Docket No. CP90-152-000]

Take notice that on October 27, 1989, Equitrans, Inc. (Equitrans), 4955 Steubenville Pike, Pittsburgh, PA 15205, filed in Docket No. CP90-152-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Consolidated Fuel Corporation (CFC), under the blanket certificate issued in Docket No. CP86-553-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Equitrans proposes to transport on an interruptible basis up to 1,176 Mcf of natural gas on a peak day for CFC, 1,176 Mcf on an average day and 429,240 Mcf on an annual basis. It is stated that Equitrans would receive the gas for CFC's account at points on Equitrans' system in West Virginia and Pennsylvania and would deliver equivalent volumes at 3 points on Equitrans system in Pennsylvania. It is asserted that existing facilities would be used for the transportation service and that no construction of additional facilities would be required. It is explained that Equitrans commenced

the transportation service October 1, 1989, under the self-implementing authorization of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90-175.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this paragraph.

14. ANR Pipeline Company

[Docket No. CP90-148-000]

Take notice that on October 27, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP90-148-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Northwestern Mutual Life Insurance Corporation (Northwestern), under ANR's blanket certificate issued in Docket No. CP88-532-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

ANR proposes to transport on an interruptible basis up to 11,200 dt equivalent of natural gas on a peak day, 11,200 dt equivalent on an average day and 4,088,000 dt equivalent on an annual basis for Northwestern. ANR states that it would perform the transportation service for Northwestern under ANR's Rate Schedule ITS. ANR indicates that it would transport the gas from receipt points in the offshore Louisiana and Texas gathering areas, to delivery points located in Wisconsin.

It is explained that the service commenced September 7, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90-134. ANR indicates that no new facilities would be necessary to provide the subject service.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

15. Northern Natural Gas Company, Division of Enron Corp.

[Docket No. CP90-208-000]

Take notice that on November 1, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251-1188, filed in Docket No. CP90-208-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to reassign natural gas deliveries at certain delivery points for service to Wisconsin Power & Light Company (WP&L), an existing wholesale customer, and to operate certain delivery points for

service to WP&L under Northern's blanket certificate issued in Docket No. PC82-401-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to reassign volumes being delivered to WP&L at Wyocena and Poynette, Wisconsin, to an existing delivery point serving the community of Juda, Wisconsin. It is stated that Northern would reduce WP&L's daily entitlements at Wyocena and Poynette by a total of 173 Mcf and would increase WP&L's daily entitlement at Juda by 173 Mcf. It is asserted that the reassignment of volumes could be accomplished without detriment to Northern's other customers and that the changes would all be within existing entitlements.

Northern also requests authorization to operate and maintain two existing delivery points for service to WP&L at Juda and Platteville, Wisconsin. It is stated that the delivery points were installed under Natural Gas Policy Act section 311 authorization for an existing transportation service by Northern. It is asserted that the end use of the gas would be residential, commercial and industrial, and that, in the fifth year of service, peak day deliveries would total 1,377 Mcf at Juda and 2,056 Mcf at Platteville, and annual deliveries would total 325,850 Mcf at Juda and 245,856 at Platteville. It is further asserted that Northern has sufficient capacity to make the deliveries as proposed without detriment to any other customers.

Comment date: December 22, 1989, in accordance with Standard Paragraph G at the end of this notice.

16. Colorado Interstate Gas Company

[Docket No. CP90-141-000]

Take notice that on October 27, 1989, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, CO 80944, filed in Docket No. CP90-141-000, an application pursuant to section 7(c) of the Natural Gas Act and part 157 of the Commission's Regulations thereunder for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase peak withdrawal capabilities at three of CIG's existing storage fields, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CNG proposes to add seven new injection/withdrawal wells, lay 5,000 feet of 4-inch and 6-inch diameter pipeline in the Flank Storage Field; to add two new injection/withdrawal

wells and lay 1,600 feet of 6-inch pipeline in the Latigo Storage Field; and recomplete one observation well to an injection/withdrawal well, convert one injection/withdrawal well to an observation well and install 500 feet of 4-inch pipeline in the Boehm Storage Field systems, respectively. "CIG" states that the grant of the authorizations requested will increase the peak day deliverability of the three storage fields by a total of 53 MMcf per day.

The estimated cost is \$4,251,500 to be financed from funds on hand and internally generated cash from operations.

Comment date: November 28, 1989, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs:

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's

staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-26887 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP86-169-013, RP86-105-015, RP87-25-003]

ANR Pipeline Co.; Compliance Filing

November 9, 1989.

Take notice that on November 6, 1989, ANR Pipeline Company (ANR) filed a certain revised tariff sheets to its FERC Gas Tariff, Original Volume No. 1A, to be effective January 1, 1990.

ANR states that this filing is in compliance with the Commission's October 6, 1989 order.

ANR states that copies of this filing have been served upon each person designated on the official service list.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before November 17, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-26889 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM90-2-32-000]

Colorado Interstate Gas Co.; Compliance Filing

November 9, 1989.

Take notice that Colorado Interstate Gas Company ("CIG"), on November 3, 1989, tendered for filing the following tariff sheets to revise its FERC Gas Tariff, Original Volume No. 1:

Second Revised Sheet No. 61C12

Third Revised Sheet No. 61C12-B

CIG states that the above-referenced tariff sheets are being filed in compliance with the Commission's Order issued in this docket and that the filing reflects revisions to conform with revisions to the tariff of Northwest Pipeline Corporation ("Northwest") which were approved by the Commission on October 12, 1989, by an order issued on Docket Nos. RP89-219, *et al.*, 49 FERC ¶61,056 (1989). Specifically, CIG's filing reflects a reduction in the principal amount of take-or-lay buyout-buydown costs billed to CIF by Northwest resulting from Northwest's revision of allocation factors for each of its affected customers.

CIG states that copies of the filing were served upon all of the parties to this proceeding and affected state commissions as well as all of CIG's firm sales customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 17, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-26890 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-1-24-000]

Equitrans, Inc.; Proposed Change in FERC Gas Tariff

November 9, 1989.

Take notice that Equitrans, Inc. (Equitrans) on October 31, 1989, tendered for filing with the Federal Energy Regulatory Commission (Commission) the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective December 1, 1989.

Thirteenth Revised Sheet No. 10
Twelfth Revised Sheet No. 14
Sixth Revised Sheet No. 34
Alternate Thirteenth Revised Sheet No. 10
Alternate Twelfth Revised Sheet No. 14
Alternate Sixth Revised Sheet No. 34

Equitrans hereby submits its regularly scheduled Quarterly Purchased Gas Adjustment filing in accordance with §§ 154.308 and 154.304 of the Commission's regulations and Section 19 of Equitrans' FERC Gas Tariff, Original Volume No. 1.

On October 11, 1989, Equitrans filed with the Commission in Docket No. RP90-10-000 a request for authority to track the recovery of firm transportation charges assessed to it by Texas Eastern Transmission Corporation ("TETCO") under Rate Schedule FT-1. Pending the outcome of the filing Equitrans hereby submits primary tariff sheets Thirteenth Revised Sheet No. 10, Twelfth Revised Sheet No. 14, Sixth Revised Sheet No. 34 to reflect these firm transportation charges in its Quarterly PGA. Equitrans is also filing alternate tariff sheets and workpapers to reflect the exclusion of firm transportation charges in the event the waiver is denied.

Equitrans states that a copy of its filing has been served upon its purchasers, interested state commissions, and upon each party on the service list of Docket No. CP86-676-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 17, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make any protestant a party to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-26891 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA90-1-4-000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

November 9, 1989.

Take notice that on November 6, 1989, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 tendered for filing with the Commission the following revised tariff sheets in its FERC Gas Tariff, First Revised Volume No. 1, containing changes in rates for effectiveness on January 1, 1990:

Thirty-Second Revised Sheet No. 7

First Revised Sheet No. 7-B

According to Granite State, the revised sales rates on Thirty-Second Revised Sheet No. 7 reflect a current adjustment for projected gas costs during the first quarter of 1990 and a surcharge for unrecovered purchased gas costs. It is further stated that the filing is Granite State's annual purchased gas cost filing in compliance with § 154.305 of the Commission's revised purchased gas cost regulations, established in Order Nos. 483 and 483-A. Granite State further states that First Revised Sheet No. 7-B states the Gas Research Institute surcharge, effective January 1, 1990, as authorized in Docket No. RP89-187-000 which is applicable to Granite State's purchases of Canadian gas from Shell Canada, Limited.

It is stated that the proposed rate changes are applicable to Granite State's wholesale sales to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory Commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 30, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make

protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-26892 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. SA90-2-000]

Maguire Oil Co.; Petition for Adjustment

November 9, 1989.

Take notice that on October 26, 1989, Maguire Oil Company (Maguire) filed a petition for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) and Part 385 (Subpart K) of the Commission's Regulations. Maguire requested the Commission to waive the filing requirements of § 271.805 in order to permit production from the Mayo #3 well located in Beaver County, Oklahoma, to qualify as a stripper gas well under NGPA section 108 during the following six periods: September 1985-December 1985; July 1986-September 1986; November 1986-February 1987; April 1987-July 1987; October 1987-February 1988; and, October 1988-November 1988. If a stripper well's production averages more than 60 Mcf per production day during any 90-day production period, it is disqualified. However, the operator may file a petition within 150 days of the end of the disqualifying period to continue the qualification if the overproduction was caused by certain specified reasons including temporary pressure buildup.

Maguire states that the gas produced was sold exclusively to Colorado Interstate Gas Company (Colorado) and that the Oklahoma Corporation Commission's (OCC) section 108 affirmative determination for the subject well became final on March 12, 1980. Maguire asserts that although it was notified on March 1, 1989, by Colorado that the subject well exceeded the qualifying limit of 60 MCF per day for the 90-day period beginning September 1985, this was the first notice of disqualification that it had received regarding production from the well. On July 27, 1989, OCC issued an affirmative determination which concluded that the increase in production during the periods of disqualification was the result of the temporary pressure buildup resulting from a shutdown at the purchaser's request. Maguire contends

that had Colorado met its regulatory obligations by monitoring production and by submitting a notice of the initial overproduction, Maguire would have timely filed for a temporary pressure buildup determination. Maguire requests a waiver of § 271.805(f)(1) on the grounds that it was unaware of the requirement to file a petition for a temporary pressure buildup determination.

Maguire also asserts that unless a waiver is granted it will suffer a special hardship, inequity or unfair distribution of burden because it will suffer an out-of-pocket loss of \$6,939.19 for the periods in question.

The procedures applicable to the conduct of this adjustment proceeding are found in subpart K of the rules of practice and procedure. Any person desiring to participate in this adjustment proceeding must file a motion to intervene in accordance with the provisions of such Subpart K. All motions to intervene must be filed within 15 days after publication of this notice in the Federal Register.

Lois D. Cashell,
Secretary.

[FR Doc. 89-26893 Filed 11-15-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-240-001]

Northern Natural Gas Co.; Filing

November 9, 1989.

Take notice that on November 6, 1989, Northern Natural Gas Company, Division of Enron Corp., tendered for filing to become part of Northern's FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Second Substitute Fourth Revised Sheet No. 52f.3
Substitute Original Sheet No. 52f.3a.

The Commission, by Order issued October 20, 1989 accepted Northern's revised tariff sheets filed on September 21, 1989 which deleted from Northern's present tariff the requirement that the effective date of an FT-1 Transportation Service Agreement shall be the date of execution by Shipper and set forth its policy to accept requests for firm transportation service where service is projected to commence within 230 days of the date of the request except where facilities are required to be constructed or where Shipper is required to give notice of termination under a presently effective contract and that such provision would be applied in a not unduly discriminatory basis.

The Commission, by order dated October 20, 1989 accepted the revised

tariff sheets, subject to certain conditions, to be effective October 20, 1989. In the order, the Commission stated that it

... will approve the proposal, conditioned upon Northern filing within fifteen days of this order to modify its tariff consistent with what was approved in *Natural*.

Northern states that in compliance with the Commission's October 20, 1989 Order, Northern has reflected in the proposed tariff sheets a reduction in the number of days from receipt of a transportation request to the effective date of the Service Agreement from up to 230 days to up to 140 days, consistent with the provision approved for *Natural*. Also, Northern has deleted the two exceptions to the policy which were contained in the September 21, 1989 filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such protests should be filed on or before November 17, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter.

Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 89-26894 Filed 11-15-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP87-103-000 and RP88-262-000 et al.]

Panhandle Eastern Pipe Line Co.

November 9, 1989.

Take notice that an informal conference will be convened in the above-proceedings on Tuesday, November 28, 1989 at 10 a.m. in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

The conference is being convened, *inter alia*, pursuant to the procedural schedule established by the Presiding Administrative Law Judge on August 15, 1989 for the purpose of facilitating the formulation by the parties of a joint stipulation of the issues in Docket Nos. RP88-262-000 et al. In addition, the ongoing settlement negotiations in Docket Nos. RP87-103-000 and RP88-262-000 et

al. will be continued at this conference. If necessary, the conference will carry on through November 29, 1989.

Any party, as defined by 18 CFR 385.102(c), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact John J. Keating (202) 357-5762 or Donald A. Heydt (202) 357-5248.

Lois D. Cashell,
Secretary.

[FR Doc. 89-26895 Filed 11-15-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA90-1-9-000]

Tennessee Gas Pipeline Co.; Rate Change Under Tariff Rate Adjustment Provisions

November 9, 1989.

Take notice that on November 1, 1989, Tennessee Gas Pipeline Company (Tennessee) tendered for filing the following tariff sheets to its FERC Gas Tariff to be effective January 1, 1990:

Second Revised Volume No. 1

Item A:

Sixteenth Revised Sheet No. 20
Thirteenth Revised Sheet No. 20A
Nineteenth Revised Sheet No. 21
Ninth Revised Sheet No. 22
Substitute Eighth Revised Sheet No. 23
Substitute Eighth Revised Sheet No. 24

Item B: Fifth Revised Sheet Nos. 31-36

Item C:

Substitute Third Revised Sheet No. 350
Fourth Revised Sheet No. 351
Substitute Third Revised Sheet No. 352
Substitute Third Revised Sheet No. 353
Third Revised Sheet No. 354
Substitute Third Revised Sheet No. 355
Third Revised Sheet No. 356
Substitute Third Revised Sheet No. 357
Substitute Second Revised Sheet No. 358
Fourth Revised Sheet No. 359
Fourth Revised Sheet No. 360
Substitute First Revised Sheet No. 361
Substitute First Revised Sheet No. 362

Original Volume No. 2

Item D:

Sixteenth Revised Sheet No. 5
Fifteenth Revised Sheet No. 6

Tennessee states that the purpose of the revisions listed under Item A is to reflect various PGA rate adjustments pursuant to section 2, 3, and 5 of Article XXIII of the General Terms and Conditions of Tennessee's Tariff. Tennessee states that the purpose of the revisions listed under Item B is to reflect amortization of production related costs pursuant to the settlement agreement approved by the Commission Order on June 14, 1985 in Docket Nos. CP84-441,

et al. Tennessee states the purpose of the revisions under Item C is to update the Index of Purchasers to reflect the most current contract information available. Tennessee states that the purpose of the revisions listed under Item D is to reflect adjustments to transportation rate schedules for changes in the cost of gas for fuel and losses pursuant to section 5 of Article XXIII of the General Terms and Conditions.

Tennessee states that the total change in the Tennessee Gas Rate from the last scheduled PGA is \$0.426 per dth consisting of a Current Purchased Gas Rate Adjustment of (\$0.0004) per dth and a Surcharge for Amortizing Unrecovered Purchase Gas Costs consisting of Unrecovered Purchase Gas Costs in the deferral period ending August 31, 1989 and transferred unamortized Unrecovered Purchase Gas Costs from the amortization period ending December 31, 1989 of \$0.6764 per dth to be effective from January 1, 1990 through December 31, 1990. Tennessee states that the total change to the Demand Rate is \$0.83 per dth, reflecting a Current Adjustment of \$0.76 and a Surcharge for Amortizing Unrecovered Purchase Gas Costs of \$0.08. Tennessee states that the gas rate adjustment is based upon an Average Cost of Purchase Gas of \$2.2505 per dth.

Tennessee has requested, by petition filed concurrently in this docket, a waiver of the requirements of Opinions 256 and 256-A. Tennessee has also requested a waiver of the requirements of § 154.305(g) of the Commission's regulations to allow inclusion of the estimated balance in the amortizing subaccount in the surcharge adjustment for this filing.

Tennessee states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before November 29, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies

of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-26896 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA90-1-11-001]

United Gas Pipeline Co.; Compliance Filing

November 9, 1989.

Take notice that on November 3, 1989, United Gas Pipe Line Company (United) tendered for filing a complete, revised set of FERC Form No. 542-PGA schedules and additional workpapers in compliance with the Commission's September 29, 1989 Letter Order (September Order) in this Docket.

United states that this filing has the following impact on its gas cost as shown in Ninety-First Revised Sheet No. 4 and Tenth Revised Sheet No. 4.1 to be effective October 1, 1989.

Rate Schedule	Change
DG, PL	D1 reduced \$.09, D2 no change, Commodity increased \$.0223.
G	Commodity increased \$.0132.

The D1 reduction for the DG and PL customers (and a corresponding \$.0091 commodity reduction for G customers) is due to removing from this filing the impact of the direct bill of Sea Robin's deferred account. The commodity increase of \$.0223 for all customers is the result of several revisions and corrections to the surcharge calculation required in the September Order. There is a corresponding increase in the AOS Rate Schedule for DG and PL on Tenth Revised Sheet No. 4-G.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure [18 CFR 385.214, 385.211 (1988)]. All such protests should be filed on or before November 17, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this

filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-26897 Filed 11-15-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 89-39-NG]

Northridge Petroleum Marketing, Inc., Order Granting Authorization To Import Natural Gas From and Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of order granting authorization to import natural gas from and export natural gas to Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order granting Northridge Petroleum Marketing, Inc. (Northridge), authorization to import from Canada up to 15,000 Mcf of natural gas per day and to subsequently export the same gas back to Canada over a term of nine years beginning November 1, 1989, and ending October 31, 1998. The import/export is part of a transportation arrangement to move gas from one part of Canada to another part of Canada via Great Lakes Gas Transmission's (Great Lakes) and Michigan Consolidated Gas Company's (MichCon) pipelines that traverse the States of Minnesota, Wisconsin and Michigan, and would not result in a net import or export of natural gas into or out of the U.S.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, November 9, 1989.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 89-26964 Filed 11-15-89; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearing and Appeals

Cases Filed Week of September 29 Through October 6, 1989

During the Week of September 29 through October 6, 1989, the applications for other relief listed in the Appendix to

this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments

on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual

notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: November 9, 1989.

George B. Breznay,
Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Sept. 29 through Oct. 6, 1989]

Date	Name and location of applicant	Case No.	Type of submission
10/2/89	Beacon/E.J. Brown, Hardin, Kentucky	RR238-2	Request for Modification/Rescission in the Beacon Refund Proceeding. If granted: The September 8, 1989 Decision and Order (RF238-1) issued to E.J. Brown would be modified regarding the firm's application for refund submitted in the Beacon refund proceeding.
10/2/89	Economic Regulatory Administration, Washington, DC.....	LBJ-0001	Request for Protective Order. If granted: The Economic Regulatory Administration would enter into a Protective Order regarding the release of proprietary information to Salomon, Inc. in connection with the Proposed Remedial Order (KRO-0720)
10/2/89	National Telephone Directory Corp., Somerset, New Jersey.	RR272-36	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: National Telephone Directory Corporation's application for refund submitted in the Crude Oil refund proceeding would be modified.

Refund Applications Received

Date received	Name of refund proceeding/ name of refund applicant	Case No.
9/29/89 thru 10/6/89.	Crude Oil Refund, Applications Received.	RF272-75729 thru RF272-75751.
9/29/89 thru 10/6/89.	Atlantic Richfield Refund, Applications Received.	RF304-10450 thru RF304-10504.
9/29/89 thru 10/6/89.	Shell Oil Refund, Applications Received.	RF315-7366 thru RF315-7460.
10/2/89	John Edward Patch.	RF300-10874.
10/2/89	Exit 7 Gulf	RF300-10875.
10/3/89	Bedford "Beck" Vaughn.	RF307-10064.
10/5/89	D & R Market	RF309-1373.
10/5/89	Shermidor Ltd.	RF313-310.

[FR Doc. 89-26967 Filed 11-15-89; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders; Week of September 25 Through September 29, 1989

During the week of September 25 through September 29, 1989 the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in "Energy Management: Federal Energy Guidelines," a commercially published loose leaf reporter system.

Dated: November 9, 1989.

George B. Breznay,
Director, Office of Hearings and Appeals
Appeal

William Albert Hewgley, 9/27/89, KFA-0315

William Albert Hewgley filed an Appeal from a partial denial by the Privacy Act Authorizing Official, Office of Chief Counsel, Oak Ridge, of a Request for Information which the Appellant had submitted under both the Freedom of Information Act (the FOIA) and the Privacy Act. In considering the Appeal, the DOE found that the Program Office was correct in denying Mr. Hewgley's requests under both the FOIA and the Privacy Act to obtain his personnel file from a DOE contractor. Important issues that were considered in the Decision and Order were (i) whether the contractor's personnel files should be considered "agency records" for FOIA purposes and thus releasable, and (ii) whether those files should be obtainable under the Privacy Act.

Request for Exception

WJC, Inc., 9/27/89, KEE-0174

WJC, Inc. filed an Application for Exception from the Energy Information Administration (EIA) reporting requirements in which the firm sought relief from filing Form EIA-23, entitled "Annual Survey of Domestic Oil and Gas Reserves." In considering the request, the DOE found that the firm was not adversely affected by the reporting burden in a way significantly different from the burden borne by similar reporting firms. Accordingly, exception relief was denied.

Refund Applications

Atlantic Richfield Company/American Airlines, Inc., 9/29/89, FR304-10446

The DOE issued a Supplemental Order concerning a Decision and Order issued on September 15, 1989 to *New Enterprises Stone and Lime Co., et al.* in the Atlantic Richfield Company (ARCO) special refund proceeding. After the issuance of that Decision, one applicant, American Airlines, Inc., requested that its refund be paid by wire transfer. Accordingly, the September 15 Decision was modified to stipulate that the American Airlines, Inc. refund be paid by electronic wire transfer.

Atlantic Richfield Company/Bowman Petroleum Company, 9/29/89, RF304-2586

The DOE issued a Decision and Order concerning an Application for Refund filed by Bowman Petroleum Company in the Atlantic Richfield Company (ARCO) special refund proceeding. The applicant was a reseller-retailer of gasoline and middle distillates that applied for a small refund. Although the applicant's distillate purchases were made on a

regular basis, and thus qualified for a refund, it appeared that Bowman was a spot purchaser of ARCO gasoline. However, the firm successfully argued that since the base period was revised to the period November 1977 through October 1978, it gained allocation rights against ARCO for its purchases after 1978, and qualified for refunds for purchases made after that period. The DOE concluded that Bowman should receive a refund totaling \$2,147, representing \$1,620 in principal and \$527 in accrued interest.

Atlantic Richfield Company/D & J ARCO, 9/29/89, RF304-10445

The DOE issued a Supplemental Decision and Order concerning an Application for Refund filed by a retailer of motor gasoline in the Atlantic Richfield Company refund proceeding. That Decision rescinded the part of the Decision and Order issued on September 8, 1989, *Atlantic Richfield Co./Loeder Oil Co., Inc.*, 19 DOE ¶ 85,365 (1989), which pertains to D & J ARCO, Case No. RF304-7227, since the claimant had previously been granted a refund in the ARCO proceeding based upon the same purchase volume of motor gasoline.

Atlantic Richfield Company/Mike's ARCO Service, et al., 9/29/89, RF304-8419 et al.

The DOE issued a Decision and Order concerning 15 applications for refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. All the applicants documented the volume of their purchases and were end-users of reseller/retailers requesting refunds of \$5,000 or less. Therefore, each applicant was presumed injured and awarded a refund. The refunds granted in this decision totaled \$22,395, including \$5,498 in accrued interest.

Atlantic Richfield Company/Rome City School District, et al., 9/28/89, RF304-7575 et al.

The DOE issued a Decision and Order concerning fifty applications for refund filed by forty-four claimants in the Atlantic Richfield Company special refund proceeding. Each of the applicants adequately documented the volume of their ARCO purchases. Forty-one of the claimants were either end-users or reseller/retailers requesting refunds of \$5,000 or less. The three remaining claimants elected to limit their refunds to \$5,000. The refunds granted in this decision total \$103,163, including \$78,025 in principal and \$26,640 in accrued interest.

Atlantic Richfield Company/Schwalb Coal & Oil Co., Inc., et al., 9/28/89, RF304-2757 et al.

The DOE issued a Decision and Order concerning fifty-one Applications for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. All of the applicants documented the volume of their ARCO purchases and were end-users or reseller/retailers requesting refunds of \$5,000 or less. Therefore, each applicant was presumed injured and awarded a refund. The refunds granted in the Decision totaled \$83,784, including \$20,569 in accrued interest.

Atlantic Richfield Company/Thomas Farm Gas Supply, 9/29/89, RF304-10365

The DOE issued a Supplemental Order in the Atlantic Richfield Company special refund proceeding rescinding the refund granted to Thomas Farm Gas Supply under Case No. RF304-7412 in *Atlantic Richfield Company/Arden's Arco*, 19 DOE ¶ 85,358 (1989). The amount of the refund rescinded was \$6,590.

De Dietrich (USA), Inc. et al., 9/27/89, RF272-10679 et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to 18 claimants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each applicant demonstrated the volume of its claim either by consulting actual records or by using a reasonable estimate of its purchases. Each applicant was an end-user of the products it purchased and was therefore presumed injured by the DOE. The sum of the refunds granted in this Decision is \$99,312.

Donald Ragsdale, 9/29/89, RC272-72

The DOE issued a Supplemental Decision and Order concerning an Application for Refund filed by an end-user of refined petroleum products in connection with the crude oil refund proceeding. The Decision rescinded the part of the Decision and Order issued on May 5, 1989, to *Town of Gaston, et al.*, 18 DOE ¶ 85,981, which pertains to Donald Ragsdale, Case No. RF272-21424, since the refund check was returned to the DOE and all efforts to locate the claimant have been unsuccessful.

Exxon Corporation/Blankenship Feed & Seed, Inc., et al., 9/28/89, RF307-7710 et al.

The DOE issued a Decision and Order concerning 60 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants purchased directly from Exxon and was either an end-user or a

reseller whose allocable share is less than \$5,000. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is \$44,370 (\$36,176 principal and \$8,194 interest).

Exxon Corporation/Deer Park Independent School District et al., 9/25/89, RF307-2786 et al.

The DOE issued a Decision and Order concerning 18 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was a retailer of Exxon products whose allocable share is less than \$5,000. All of the applicants disagreed with the gallonage information recorded on volume sheets supplied by Exxon and submitted alternative gallonage figures which they requested that the OHA accept either in lieu of or in combination with Exxon's figures. The OHA agreed to accept the applicants' figures because they were taken directly from the firms' actual Exxon invoices or monthly sales records from the consent order period. The DOE determined that each applicant is eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is \$18,577 (\$15,146 principal plus \$3,431 interest).

Exxon Corporation/Holloway Exxon, et al., 9/28/89, RF307-3481 et al.

The DOE issued a Decision and Order granting 49 Applications for Refund from consent order funds obtained from Exxon Corporation. Each Applicant sought a refund of less than \$5,000 and was therefore presumed to have suffered injury as a result of Exxon's alleged overcharges. The sum of the refunds granted in this determination is \$76,647.

Exxon Corporation / Oxford Interstate Exxon, et al., 9/29/89, RF307-934 et al.

The DOE issued a Decision and Order concerning 13 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased product directly from Exxon and was either a reseller whose allocable share is less than \$5,000 or an end-user of Exxon products. The DOE found that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is \$9,348 (\$7,621 principal plus \$1,727 interest).

Exxon Corporation / R.L. Angst & Son, Inc. et al., 9/29/89, RF307-3202 et al.

The DOE issued a Decision and Order concerning six Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased product directly from Exxon and was either a reseller whose allocable share is less than \$5,000 or an end-user of Exxon products. The DOE found that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is \$16,160 (\$13,175 principal plus \$2,985 interest).

Exxon Corp./Ronson Aviation, Inc.,
9/29/89, RF307-1

The Department of Energy issued a Decision and Order in which it reconsidered the amount of the refund to be awarded to Ronson Aviation, Inc. in the Exxon Corporation special refund proceeding. On August 23, 1989, the DOE had granted Ronson a refund of \$1,068 on the basis of its purchases from Exxon as reflected in a purchase volume schedule generated by Exxon. In evaluating the firm's Motion for Reconsideration, the DOE reviewed Ronson's actual purchase records and concluded that they were accurate. Accordingly, the DOE granted Ronson an additional refund of \$568 on the basis of the additional gallonage reflected in the firm's records.

Exxon Corporation / State Department of Highways & Public Transportation, et al., 9/27/89, RF307-7600 et al.

The DOE issued a Decision and Order concerning 53 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the applicants purchased directly from Exxon and was either an end-user or a reseller whose allocable share is less than \$5,000. Each applicant received a refund equal to its full allocable share. The sum of the refunds granted in this Decision is \$39,803 (\$32,454 principal and \$7,349 interest).

Exxon Corporation / United Airlines, Inc., 9/28/89, RF307-5726

The DOE issued a Decision and Order concerning an Application for Refund filed by United Airlines, Inc. in the Exxon Corporation special refund proceeding. United disagreed with the gallonage figures listed on its Exxon printout and submitted alternative monthly gallonage figures obtained in part from its actual records during the consent order period and in part from estimates for those months for which records did not exist. Because its estimation methodology and the resultant estimates were reasonable in light of United's other figures for which

actual records were available, its purchase volume figures were accepted. The refund granted in this Decision was \$484,434 (\$397,827 in principal and \$86,607 in interest).

Exxon Corporation / Wyatt, Inc., 9/28/89, RF307-5894

The DOE issued a Decision and Order concerning an Application for Refund filed by Wyatt, Inc. in the Exxon Corporation special refund proceeding. Wyatt's allocable share was calculated to be in excess of \$5,000. Since Wyatt did not elect to make a showing of injury, the firm was eligible to receive the larger of \$5,000 or 40 percent of its allocable share up to \$50,000. In this case, 40 percent was greater and accordingly, the firm was granted a refund of \$61,335 (\$50,000 in principal plus \$11,335 in interest).

Gulf Oil Corporation/Florida Power Corporation, 9/28/89, RF300-6348

The DOE issued a Decision and Order concerning an Application for Refund filed by the Florida Power Corporation, a regulated public utility, in the Gulf Oil Corporation special refund proceeding. Florida Power certified that it will notify its appropriate state regulatory agency of any refund received in the Gulf proceeding and that it will pass through the amount of any refund received to its customers. The total refund amount granted in this Decision is \$46,586.

Gulf Oil Corporation/G. Stanley Roberts Distributor, Inc., 9/27/89, RF300-5322

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding. The application was approved using a presumption of injury. The total refund granted in this Decision is \$6,719.

Gulf Oil Corporation/H.H. Park, Inc., 9/27/89, RF300-10867

The DOE issued a Supplemental Order reducing a refund granted on March 27, 1989 to H. H. Park, Inc., from the Gulf Oil Corporation special refund proceeding (*Gulf Oil Corporation/Pride Petroleum, Inc., et al.*). In that Decision and Order, Park had been granted a refund of \$47,747, but had only been entitled to \$19,099 under the 40% mid-range presumption which it had elected. Park was required to remit the excess \$28,648 to the DOE.

Gulf Oil Corporation/Jack R. Beabout, et al., 9/28/89, RF300-10467 et al.

The DOE issued a Decision and Order concerning 25 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a

presumption of injury. The sum of the refunds granted in this Decision, including interest, is \$44,423.

Gulf Oil Corporation/Morgan Oil Company, Martin County Oil Co., Inc., A.P.G., Inc., 9/28/89, RF300-5315, RF300-5325, RF300-5489

The DOE issued a Decision and Order concerning three Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each of the applicants is a consignee and reseller of Gulf refined products and each elected to base its refund on the appropriate presumptions of injury. The sum of the refunds granted in this Decision is \$13,601.

Gulf Oil Corporation/Nashville Electric Service, et al., 9/27/89, RF300-915 et al.

The DOE issued a Decision and Order concerning four Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is \$3,916.

Gulf Oil Corporation/Reed W. Smith, Jr., 9/28/89, RF300-10056, RF300-10057, RF300-10058, RF300-10059

The DOE issued a Decision and Order concerning four Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by Reed W. Smith, Jr. Because the four service stations operated by Mr. Smith were under common ownership during the consent order period, and because their allocable share exceeds \$5,000, they were deemed one firm. The refund granted in this Decision is \$6,719 (\$5,000 principal plus \$1,719 in interest).

Gulf Oil Corporation/Romano & Company, et al., 9/27/89, RF300-9418 et al.

The DOE issued a Decision and Order concerning 108 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision, including accrued interest, is \$179,940.

Gulf Oil Corporation/Southern California Edison Company, 9/28/89, RF300-10388

The DOE issued a Decision and Order concerning an Application for Refund filed by Southern California Edison Company (Southern California), a regulated public utility, in the Gulf Oil Corporation special refund proceeding. The DOE granted Southern California's Application after the firm certified that

it would notify its appropriate state regulatory agency of any refund received and that it would pass through the amount of any refund to its customers. The total refund amount granted in this Decision, inclusive of interest, is \$46,625.

Mayor and City Council of Baltimore, 9/27/89, RF272-19669

The Department of Energy (DOE) issued a Decision and Order concerning an Application for Refund submitted by the Mayor and City Council of Baltimore (Baltimore). Baltimore requested a refund based on its purchases of refined petroleum products during the period August 19, 1973, through January 27, 1981 pursuant to the provisions of 10 C.F.R. Part 205, Subpart V (Subpart V). Since Baltimore waived its rights to a Subpart V crude oil refund, the city was ineligible to receive a refund in the Subpart V crude oil refund proceedings. Accordingly, the Application submitted by Baltimore was denied.

Murphy Oil Corporation/Zippy Mart of Alabama, Inc., Zippy Mart, Inc., Zippy Mart of South Carolina, Inc., Zippy Mart of Georgia, Inc., 9/27/89, RF309-638, RF309-639, RF309-640, RF309-641

The DOE issued a Decision and Order granting Applications for Refund filed by four commonly owned applicants, each a purchaser of refined petroleum products, in the Murphy Oil Corporation special refund proceeding. The four refund applications were considered together in the determination of the appropriate injury presumption because

all of the stock in the Zippy Mart affiliates was purchased by Crown Central Petroleum Corporation (Crown Central) in 1983. The total of the refund granted in this Decision was \$60,220, representing \$50,000 in principal and \$10,220 in accrued interest.

National Helium Corp./California, 9/29/89, RQ3-529

The DOE issued a Decision and Order approving the second-stage refund application filed by the State of California in the National Helium Corp. special refund proceeding. California requested permission to use \$1,000,000 in National Helium funds towards improving a section of a major arterial road in the State. The DOE found that this program was part of a balanced overall state plan of restitution to injured consumers of petroleum products. Accordingly, the DOE granted California's second-stage refund request, and disbursed \$1,000,000 to the State.

Oxford Construction Company, 9/27/89, RF272-5975

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to Oxford Construction Company based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. The applicant used actual records of purchases as well as estimates to formulate its claim. The refund granted in this Decision is \$7,826.

The Balf Company, 9/25/89, RF272-6685, RD272-6685

The DOE issued a Decision and Order granting a refund from crude oil overcharge funds to the Balf Company based on its purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. A group of twenty-eight states and two territories of the United States (the States) filed a pleading objecting to and commenting on the application. The only evidence submitted by the States was an affidavit by an economist stating that the construction industry was able to pass through some costs to its customers. The DOE determined that the evidence offered by the States was insufficient to rebut the presumption of end-user injury and that the applicant should receive a refund. In addition, the DOE denied the Motion for Discovery which the State had filed. The refund granted in this Decision is \$37,642.

Total Petroleum/Rupp Oil Co., et al., 9/25/89, RF310-213 et al.

The DOE issued a Decision and Order concerning Applications for Refund filed by five purchasers of motor gasoline and/or No. 2 oils from Total Petroleum Inc. Under the standards established in *Total Petroleum Inc.*, 17 DOE ¶ 85,542 (1988), the DOE granted refunds to the five reseller-applicants which total \$67,843 (\$56,644 principal and \$11,199 interest).

Crude Oil End-Users

The Office of Hearings and Appeals granted crude oil overcharge refunds to end-user applicants in the following Decision and Order:

Name	Case No.	Date	No. of applicants	Total refund
Omaha Public Power District et al., (See attached list)	RF272-20569	9/28/89	12	\$39,854

Dismissals

The following submissions were dismissed:

Name	Case No.
Burks Shell Oil	RF315-82
C.V. Sangaree	RF315-370
Chelmont Exxon	RF300-10172
City of Burbank	RF307-9406
Copypro	RF304-7852
Diesel Stop	RF300-9836
Forest Lane Exxon	RF300-7036
Frank Dupuis	RF307-10002
Hicks Oil and Hicksgas	RF307-9184
Mitchell's Service Center	RF300-9042
New Heaven Shell Service	RF304-7566
Palm Springs Arco	RF315-2884
Park Avenue Gulf	RF304-9459
Ray's Arco	RF300-9186
	RF304-3976

Name	Case No.
Rieches Standard Service	RF307-9643
Safety Kleen Corp.	RF300-10234
Steele's Atlantic Service	RF304-5779
Tradax Export S.A.	RF300-10149
Triple T Service	RF304-9671

[FR Doc. 89-26968 Filed 11-15-89; 8:45 am]

BILLING CODE 6450-01-M

Proposed Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the proposed procedures for disbursement of \$1,360,607.07 (plus accrued interest) obtained by the DOE under the terms of a consent order entered into with Bi-Petro, Inc. The DOE has tentatively determined that funds will be distributed in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986).

DATE AND ADDRESS: Comments must be filed in duplicate December 18, 1989 and should be addressed to: Office of Hearings and Appeals, Department of

Energy, 1000 Independence Avenue, SW., Washington, DC 20585. All comments should conspicuously display a reference to the applicable Case Number: Bi-Petro, Inc., Case No. LEF-0001.

FOR FURTHER INFORMATION CONTACT:
Thomas L. Wieker, Deputy Director,
Office of Hearings and Appeals, 1000
Independence Avenue, SW.,
Washington, DC 20585, (202) 586-2390.

SUPPLEMENTARY INFORMATION:

In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order sets forth the procedures that the DOE has tentatively formulated to distribute funds obtained from Bi-Petro, Inc. (Bi-Petro). The funds are being held in an interest-bearing escrow account pending distribution by the DOE.

The DOE tentatively determined to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR (August 4, 1986). Under the Modified Policy, crude oil overcharge monies are divided among the states, the federal government, and injured purchasers of refined products. Under the plan we are proposing, refunds to the states would be distributed in proportion to each state's consumption of petroleum products during the period of price controls. Refunds to eligible purchasers would be based on the number of gallons of petroleum products which they purchased and the extent to which they can demonstrate injury.

Applications for refund should not be filed at this time. Appropriate public notice will be given when the submission of claims is authorized.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to provide two copies of their submissions. Comments must be submitted within 30 days of publication of this notice in the Federal Register and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: November 8, 1989.

George B. Breznay,
Director, Office of Hearings and Appeals.
November 8, 1989.

Implementation of Special Refund Procedures

Name of Firm: Bi-Petro, Inc.
Date of Filing: October 19, 1989.
Case Number: LEF-0001.

Under the procedural regulations of the Department of Energy (DOE), the Economic Regulatory Administration (ERA) of the DOE may request that the Office of Hearings and Appeals (OHA) formulate and implement special procedures to make refunds in order to remedy the effects of alleged violations of the DOE regulations. 10 CFR 205.281. These procedures are used to refund monies to those injured by actual or alleged violations of the DOE price regulations.

On October 19, 1989, the ERA filed a Petition for the Implementation of Special Refund Procedures for the distribution of funds obtained from Bi-Petro, Inc. (Bi-Petro) as a result of the DOE's enforcement of the federal petroleum price and allocation regulations concerning the resale of crude oil for the period August 19, 1973 through January 27, 1981. Bi-Petro remitted \$1,360,607.07 to the DOE pursuant to a September 30, 1985 Consent Order between the firm and the DOE. This Proposed Decision and Order sets forth the OHA's plan to distribute these funds.

The general guidelines which the OHA may use to formulate and implement a plan to distribute refunds are set forth in 10 CFR part 205, subpart V. The Subpart V process may be used in situations where the DOE cannot readily identify the persons who may have been injured as a result of actual or alleged violations of the regulations or ascertain the amount of the refund each person should receive.¹ We have considered the ERA's request to implement subpart V procedures with respect to the monies received from Bi-Petro, and have determined that such procedures are appropriate.

I. Background

On July 28, 1986, the DOE issued a Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986) (MSRP). The MSRP, issued as a result of a court approved Settlement

Agreement in *In Re: The Department of Energy Stripper Well Exemption Litigation* M.D.L. No. 378 (D. Kan. 1986), provides that crude oil overcharge funds will be divided among the states, the federal government, and injured purchasers of refined petroleum products. Under the MSRP, up to 20 percent of these crude oil overcharge funds will be reserved initially to satisfy valid claims by injured purchasers of petroleum products. Eighty percent of these funds, and any monies remaining after all valid claims are paid, are to be disbursed equally to the states and federal government for indirect restitution.

The OHA has been applying the MSRP in all Subpart V proceedings involving alleged crude oil violations. See Order Implementing the MSRP, 51 FR 29689 (August 20, 1986). That Order provided a period of 30 days for the filing of any objections to the application of the MSRP, and solicited comments concerning the appropriate procedures to follow in processing refund applications in crude oil refund proceedings.

On April 6, 1987, the OHA issued a Notice analyzing the numerous comments which it received in response to the August 1986 Order. 52 FR 11737 (April 10, 1987). The Notice set forth generalized procedures and provided guidance to assist claimants who wish to file refund applications for crude oil monies under the subpart V regulations. All applicants for refunds would be required to document their purchase volumes of petroleum products during the period of Federal crude oil price controls and to prove that they were injured by the alleged overcharges. The Notice indicated that end-users of petroleum products whose businesses are unrelated to the petroleum industry would be presumed to have absorbed the crude oil overcharges, and need not submit any further proof of injury to receive a refund. Finally, we stated that refunds would be calculated on the basis of a per-gallon refund amount derived by dividing crude oil violation amounts by the total consumption of petroleum products in the United States during the period of price controls. The numerator would consist of crude oil overcharge monies that were in the DOE's escrow account at the time of settlement and a portion of the escrow funds in the M.D.L. 378 escrow at the time of the settlement.

The DOE has applied these procedures in numerous cases since the April 1987 Notice, see e.g., *Shell Oil Co.*, 17 DOE ¶ 85,204 (1988) (*Shell Oil*); *Ernest A. Allerkamp*, 17 DOE ¶ 85,079 (1988)

¹ For a more detailed discussion of subpart V and the authority of the OHA to fashion procedures to distribute refunds, see Office of Enforcement, 9 DOE ¶ 82,508 (1981); *Office of Enforcement*, 8 DOE ¶ 82,597 (1981).

(Allerkamp), and the procedures have been approved by the United States District Court for the District of Kansas. Various States had filed a Motion with that court claiming that the OHA violated the Settlement Agreement by employing presumptions of injury for end-users and by improperly calculating the refund amount to be used in those proceedings. In denying the Motion, the court concluded that the Settlement Agreement "does not bar [the] OHA from permitting claimants to employ reasonable presumptions in affirmatively demonstrating injury entitling them to a refund." In *Re: The Department of Energy Stripper Well Exemption Litigation*, 671 F. Supp. 1318, 1323 (D. Kan. 1987), aff'd 857 F.2d 1481 (Temp. Emer. Ct. App. 1988). The court also ruled that, as specified in the April 1987 Notice, the OHA could calculate refunds based on a portion of the M.D.L. 378 overcharges. *Id.* at 1323-24.

II. The Proposed Refund Procedures

A. Refund Claims

We now propose to apply the procedures discussed in the April 1987 Notice to the crude oil subpart V proceeding that is the subject of the present determination. As noted above, \$1,360,607.07 (plus interest) in crude oil funds is covered by this Proposed Decision. We have decided to reserve initially the full 20 percent of the alleged crude oil violation amount, or \$272,121.41 (plus interest) for direct refunds to claimants, in order to ensure that sufficient funds will be available for refunds to injured parties. The process which the OHA will use to evaluate claims based on alleged crude oil violations will be modeled after the process the OHA has used in Subpart V proceedings to evaluate claims based upon alleged overcharges involving refined products. *See Mountain Fuel Supply Co.*, 14 DOE ¶ 85,475 (1986) (*Mountain Fuel*).

As in non-crude oil cases, applicants will be required to document their purchase volumes and to prove that they were injured as a result of the alleged violations. Applicants who were end-users or ultimate consumers of petroleum products, whose businesses are unrelated to the petroleum industry and who were not subject to the DOE price regulations, are presumed to have absorbed rather than passed on alleged crude oil overcharges. In order to receive a refund, end-users need not submit any further evidence of injury beyond proof of the volumes of product purchased during the period of crude oil

price controls. *A. Tarricone, Inc.*, 15 DOE ¶ 85,495 at 88,893-96 (1987). The end user presumption of injury can be rebutted if evidence shows that the specific end-user in question was not injured by the crude oil overcharges. Reseller and retailer claimants must submit detailed evidence of injury, and may not rely on the presumptions of injury utilized in refund cases involving refined petroleum products. *Id.* They may, however, use econometric evidence of the type employed in the OHA Report to the District Court in the Stripper Well Litigation, 6 Fed. Energy Guidelines ¶ 90,507 (June 19, 1985). *See Petroleum Overcharge Distribution and Restitution Act 3003(b)(2)*, 15 U.S.C. 4502(b)(2). Applicants who executed and submitted a valid waiver pursuant to one of the escrows established in the Settlement Agreement have waived their rights to apply for crude oil refunds under subpart V. *See Mid-America Dairymen Inc. v. Herrington*, 878 F.2d 1448 (Temp. Emer. Ct. App. 1989); accord, *Boise Cascade Corp.* 18 DOE ¶ 85,970 (1989).

Refunds to eligible claimants who purchased refined petroleum products will be calculated on the basis of a volumetric refund amount derived by dividing the crude oil violation amount involved in this determination (\$1,360,607.07) by the total consumption of petroleum products in the United States during the period of price controls (2,020,997,335,000 gallons). *See Mountain Fuel*, 14 DOE at 88,868. This approach reflects the fact that crude oil overcharges were spread equally throughout the country by the Entitlements Program.³ This yields a volumetric refund amount of \$0.0000067 per gallon.

As we stated in previous Decisions, a crude oil refund applicant will be required to submit only one application for crude oil overcharge funds. *Allerkamp*, 17 DOE at 88,176. Any party that has previously submitted a refund in the crude oil refund proceedings need not file another application. A deadline of June 30, 1988 was established for all first stage crude oil refund proceedings

³ The DOE established the Entitlements Program to equalize access to the benefits of crude oil price controls among all domestic refiners and their downstream customers. To accomplish this goal, refiners were required to make transfer payments among themselves through the purchase and sale of "entitlements." This balancing mechanism had the effect of evenly disbursing overcharges resulting from crude oil miscalcifications throughout the domestic refining industry. *See Amber Refining Inc.*, 13 DOE ¶ 85,217 at 88,564 (1985).

implemented pursuant to the MSRP up to and including Shell Oil. *See A. Tarricone Inc.*, 16 DOE ¶ 85,681 (1987). A deadline of October 31, 1989 was established for the second stage of disbursements in the crude oil proceedings beginning with *World Oil Co.*, 17 DOE ¶ 85,568, corrected 17 DOE ¶ 85,669 (1988), and ending with *Texaco Inc.*, 19 DOE ¶ 85,200, corrected 19 DOE ¶ 85,236 (1989). The deadline for filing a refund application in this proceeding is October 31, 1990. This volumetric refund amount in the third stage of disbursements will be increased as additional crude oil violations amounts are received in the future. Applicants may be required to submit additional information to document their refund claims for these future amounts. Notice of any additional amounts available in the future will be published in the Federal Register.

B. Payments to the States and Federal Government

Under the terms of the MSRP, we propose that the remaining 80 percent of the alleged crude oil violation amounts subject to this Proposed Decision, or \$1,088,485.66 (plus interest), be disbursed in equal shares to the states and federal government for direct restitution. Refunds to the states will be in proportion to the consumption of petroleum products in each state during the period of price controls. The share or ratio of the funds which each state will receive is contained in Exhibit H of the Stripper Well Exemption Litigation Settlement Agreement. These funds will be subject to the same limitations and reporting requirements as all other crude oil monies received by the states under the Settlement Agreement.

Before taking the actions we have proposed in this Decision, we intend to publicize our proposal and solicit comments on it. Comments regarding the tentative distribution process set forth in this Proposed Decision and Order should be filed with the OHA within 30 days of its publication in the Federal Register.

It is therefore ordered that:

The refund amount remitted to the Department of Energy by Bi-Petro, Inc. pursuant to the consent order executed on September 30, 1985 will be distributed in accordance with the foregoing Decision.

[FR Doc. 89-26966 Filed 11-15-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51742; FRLK-3665-5]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit premanufacture notice (PMN) to EPA at least 90 days before manufacture of import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of 19 such PMNs and provides a summary of each.

DATES: Close of Review Periods:

P 89-1133, December 26, 1989.

P 89-1139 December 27, 1989.

P 90-3, 90-4, December 31, 1989.

P 90-8, 90-9, 90-10, January 2, 1990.

P 90-11, 90-12, January 7, 1990.

P 90-13, 90-14, 90-15, 90-16, 90-17, 90-18, January 8, 1990.

P 90-19, January 13, 1990.

P 90-20, 90-21, 90-22, January 8, 1990.

WRITTEN COMMENTS BY:

P 89-1133, November 26, 1989.

P 89-1139, November 27, 1989.

P 90-3, 90-4, December 1, 1989.

P 90-8, 90-9, 90-10, December 3, 1989.

P 90-11, 90-12, December 8, 1989.

P 90-3, 90-14, 90-15, 90-16, 90-17, 90-18, December 9, 1989.

P 90-19 December 14, 1989.

P 90-20, 90-21, 90-22, December 9, 1989.

ADDRESS: Written comments, identified by the document control number "(OPTS-51742)" and the specific PMN number should be sent to:

Document Processing Center (TS-790),
Office of Toxic Substances,
Environmental Protection Agency, 401
M Street, SW., Room L-100,
Washington, DC 20460 (202) 382-3532

FOR FURTHER INFORMATION CONTACT:

Michael M. Stahl, Director,
Environmental Assistance Division (TS-799), Office of Toxic Substances,
Environmental Protection Agency, Rm. EB-44, 401 M Street, SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received

by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

P 89-1133

Manufacturer. Confidential.
Chemical. (G) Unsaturated polyester resin.

Use/Production. (G) Binder. Prod. range: Confidential.

P 89-1139

Manufacturer. Confidential.
Chemical. (G) Amine salt of alkyl acid phosphate.

Use/Production. (G) Metallic corrosion inhibitor. Prod. range: Confidential.

P 90-3

Manufacturer. The Dow Chemical Company.

Chemical. (G) Substituted pyridine.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 200-2,000 mg/kg species (Rabbit). Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit).

P 90-4

Manufacturer. The Dow Chemical Company.

Chemical. (G) Substituted pyridine.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 500 mg/kg species (Rabbit). Acute dermal toxicity: LD50 200-2,000 mg/kg species (Rabbit). Eye irritation: strong species (Rabbit). Skin irritation: strong species (Rabbit).

P 90-8

Manufacturer. Reichhold Chemicals, Inc.

Chemical. (G) Unsaturated polyester resin.

Use/Production. (S) Automotive body patch resin. Prod. range: Confidential.

P 90-9

Manufacturer. Confidential.

Chemical. (G) Alkylaryl ether phosphate, sodium salt.

Use/Production. (G) An additive used in the textile industry. Prod. range: Confidential.

P 90-10

Importer. Confidential.

Chemical. (G) Polymethacrylate acid derivative.

Use/Import. (G) Binding agent. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 90-11

Importer. Confidential.

Chemical. (G) Substituted cyclohexanol.

Use/Import. (G) Products; highly dispersive. Import range: 100-5,000 kg/yr.

Toxicity Data. Acute dermal toxicity: LD50 > 2.0 g/kg species (Rabbit). Skin irritation: Moderate species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 90-12

Manufacturer. Confidential.

Chemical. (G) Modified acrylic polymer.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 90-13

Importer. Confidential.

Chemical. (G) Salt of naphthalene sulphonic acid condensate.

Use/Import. (G) Dispersing/surface active agent. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Static acute toxicity: LC50 > 199 mg/kg time species (Rain trout). Eye irritation: None species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-14

Manufacturer. Akzo Coating Inc.

Chemical. (G) Acrylate resin solution.

Use/Production. (G) Resin for coating. Prod. range: Confidential.

P 90-15

Manufacturer. Confidential.

Chemical. (G) Alkyl carboxylic acid reaction product with alkyl amines, quaternized.

Use/Production. (G) Finishing agent for textiles. Prod. range: Confidential.

P 90-16

Importer. Confidential.

Chemical. (G) Lithium, N-Octadecyl telephthalamate.

Use/Import. (G) Open, nondispersive use. Import range: Confidential.

P 90-17

Manufacturer. Confidential.

Chemical. (G) Acrylate-capped polyurethane diol.

Use/Production. (S) Compenet of radiation-curable coatings. Prod. range: Confidential.

P 90-18

Manufacturer: American Biltrite Inc.
Chemical: (G) Radiation curable aliphatic urethane oligomer.

Use/Production: (S) Coating for vinyl resilient flooring. Prod. range: 50,000–70,000 kg/yr.

P 90-19

Manufacturer: Mazer Chemicals.
Chemical: (G) Stearoxymethicone/dimethicone copolymer.

Use/Production: (S) Cosmetic personal care product additive and textile lubricant. Prod. range: Confidential.

P 90-20

Manufacturer: Confidential.
Chemical: (G) Mono alkyl naphthalene.

Use/Production: (G) Heating medium oil. Prod. range: Confidential.

P 90-21

Manufacturer: Confidential.
Chemical: (G) Mono alkyl naphthalene.

Use/Production: (G) Heating medium oil. Prod. range: Confidential.

P 90-22

Importer: Nippon Gohsei (U.S.A.) Co.
Chemical: (G) Copolymer of unsaturated polyester and allyl compounds.

Use/Import: (G) Coating for woodwork. Import range: 10,000–70,000 kg/yr.

Dated: November 2, 1989.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 89-26798 Filed 11-15-89; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59278A; FRL-3666-2]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated this application as TME-89-28. The test marketing conditions are described below.

EFFECTIVE DATE: November 6, 1989.

Written comments will be received until December 1, 1989.

ADDRESS: Written comments, identified by the document control number

“[OPTS-59278A]” and the specific TME number “[TME-89-28]” should be sent to: Document Control Officer (TS-790), Confidential Data Branch, Information Management Division, Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT:

Andrea Pfahles-Hutchens, New Chemicals Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St., SW., Washington, DC 20460, (202) 382-2255.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-89-28. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the application and in this notice must be met.

Inadvertently, notice of receipt of the application was not published upon receipt of the TME application. Therefore, an opportunity to submit comments is being offered at this time. The complete nonconfidential document is available in the Public Reading Room NE G004 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TME-89-28.

1. A bill of lading accompanying each shipment must state that the use of the substance is restricted to that approved in the TME.

2. The Company shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

a. The applicant must maintain records of the quantity of the TME substance produced and the date of manufacture.

b. The applicant must maintain records of dates of the shipments to each customer and the quantities supplied in each shipment.

c. The applicant must maintain copies of the bill of lading that accompanies each shipment of the TME substance.

T-89-28

Date of Receipt: September 25, 1989.

Applicant: Reichhold Chemicals, Inc.

Chemical: Reactive polyurethane adhesive (G).

Use: Adhesive for laminating (G).

Production Volume: 7,000 lbs.

Number of Customers: 1.

Test Marketing Period: 26 weeks, commencing on first day of manufacture.

Risk Assessment: EPA identified no environmental concerns. Based on data on isocyanates and data submitted pursuant to section 8(e) of TSCA, the TME substance may cause cancer and respiratory sensitization; however, there is no exposure via the route of concern. Therefore, the test marketing activities will not present an unreasonable risk of injury to health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: November 6, 1989.

John W. Melone,

Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 89-26797 Filed 11-15-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; NJT Limited Partnership et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, City and State	File No.	MM Docket No.
A. NJT Limited Partnership, Tucson, AZ.	BPH-870515ME	89-470
B. Josie FM Limited Partnership, Tucson, AZ.	BPH-870515MI	
C. Southern Arizona Broadcasters, Tucson, AZ.	BPH-870515MW	
D. Bartree Broadcasting, Tucson, AZ.	BPH-870515NB	
E. Old Pueblo Broadcasting, Inc., Tucson, AZ.	BPH-870515NC	
F. Peggy C. Browne, Tucson, AZ.	BPH-870515ND	
G. F.E.M. Ray, Inc., Tucson, AZ.	BPH-870515NL	
H. Arizona/Capitol Communications, Ltd., Tucson, AZ.	BPH-870515NS	
I. Playa Del Sol, Tucson, AZ.	BPH-870515NX	
J. Alfrehar Amigos, Tucson, AZ.	BPH-870515OH	
K. Kevin M. & Patricia Wodlinger, Tucson, AZ.	BPH-870515NK (Previously Dismissed)	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. Financial Qualifications.....	C, H
2. City Coverage.....	A, B, C, E, F, H, J
3. Environmental.....	E, F, I
4. Air Hazard.....	J
5. Comparative.....	A-J
6. Ultimate.....	A-J

3. If there are any non-standardized issues in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch room 230, 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services,

Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).
W. Jan Gay,
Assistant Chief, Audio Services Division,
Mass Media Bureau.
[FR Doc. 89-26871 Filed 11-15-89; 8:45 am]
BILLING CODE 8712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: The submission is summarized as follows:

Type of Review: Revision of a currently approved collection.
Title: Financial Report.
Form Number: FDIC 6200/06.
OMB Number: 3064-0006.
Expiration Date of Current OMB Clearance: March 31, 1990.
Frequency of Response: On occasion.
Respondents: All prospective directors or officers of proposed or operating depository institutions applying for Federal deposit insurance as either a state nonmember bank or a state-chartered savings association; each individual proposing to acquire control of an insured state nonmember bank; and each individual being proposed as a director or being considered for employment as a senior executive officer of certain insured state nonmember banks.

Number of Respondents: 3,010.
Number of Responses Per Respondent: 1.

Total Annual Responses: 3,010.

Average Number of Hours Per Response: 2.

Total Annual Burden Hours: 6,020.

OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FDIC Contact: John Keiper, (202) 898-3810, Assistant Executive Secretary, Room 6096, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

Comments: Comments of this collection of information are welcome and should be submitted on or before January 16, 1990.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to revise the use of form FDIC 6200/06, Financial Report. The report is currently submitted to the FDIC by each individual director or officer of a proposed or operating bank applying for Federal deposit insurance as a state nonmember bank, or by a person proposing to acquire control of an insured state nonmember bank.

Because of the recent passage of the Financial Institute Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), the FDIC has been given additional supervisory authority regarding savings associations resulting in the need for expanding the use of the report form. Therefore, in addition to those individuals already required to submit the Financial Report, the FDIC would require the report from each director or officer of a proposed state-chartered savings association or an operating savings association applying for Federal deposit insurance. Also, because of FIRREA (section 914, Pub. L. 101-73), the Financial Report would be submitted by each proposed new director or proposed new senior executive officer of a state nonmember bank which (a) became insured or has undergone a change in control within the preceding two years or (b) is not in compliance with the applicable capital requirements or is otherwise in a troubled condition. The FDIC required by statute to evaluate the general character and financial condition of certain individuals who will be involved in the management or control of insured state-chartered banks and savings associations.

Dated: November 9, 1989.

Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.
[FR Doc. 89-26973 Filed 11-15-89; 8:45 am]
BILLING CODE 6714-01-M

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act.

SUMMARY: The submission is summarized as follows.

Type of Review: New collection.
Title: Notification of Addition of Directors and Senior Executive Officers of Certain Depository Institutions.
Form Number: FDIC 6810/01.
Frequency of Response: On occasion.
Respondents: Any insured State nonmember bank who is required to notify the FDIC of the proposed addition of any individual to the board of directors or the employment of any individual as a senior executive officer of such institution.

Number of Respondents: 2,200.

Number of Responses Per

Respondent: 1.

Total Annual Responses: 2,200.

Average Number of Hours Per Response: One half hour.

Total Annual Burden Hours: 1,100.

OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FDIC Contract: John Keiper, (202) 898-3810, Assistant Executive Secretary, Room 6069, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

Comments: Comments on this collection of information are welcome and should be submitted on or before January 16, 1990.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above.

Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to implement a new collection of information from certain insured state nonmember banks. The proposed collection of information is a statutory requirement of the recently enacted Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"). Under FIRREA (section 914, Pub. L. 101-73), an insured depository institution shall notify the appropriate federal banking agency of the proposed addition of any individual to the board of directors or the employment of any individual as a senior executive officer of such institution at least 30 days before such addition or employment becomes effective, if the insured depository institution (a) became insured or has undergone a change in control within the past two years or (b) is not in compliance with the applicable capital requirements or is otherwise in a

troubled condition. The FDIC would implement this statutory requirement by requiring those state nonmember banks that are subject to the notification requirement of FIRREA to submit form FDIC 6810/01, Notification of Addition of a Director or Employment of a Senior Executive Officer.

Dated: November 9, 1989.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 89-26974 Filed 11-15-89; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200304.

Title: Sea-Land Service Terminal Agreement.

Parties:

Sea-Land Service, Inc. (Sea-Land).
 Senator Linie.

Synopsis: The Agreement permits Sea-Land to provide or arrange to have provided stevedoring and terminal services to Senator Linie at Sea-Land's Port of Long Beach terminal facilities for an indefinite term. Senator Linie will compensate Sea-Land in accordance with the provisions of the rate schedule set forth in Appendix I of the Agreement.

Agreement No.: 224-200137-001.

Title: Georgia Ports Authority Terminal Agreement.

Parties:

Georgia Ports Authority.
 Jugolinija.

Synopsis: The Agreement amends the basic agreement to consolidate all rent, wharfage and dockage charges into a single unit rate per container. The consolidated rate and other charges will

escalate on October 1, each year of the agreement in an amount equal to the U.S. Consumer Price Index but not to exceed 6%.

By Order of the Federal Maritime Commission.

Dated: November 9, 1989.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 89-26901 Filed 11-5-89; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-010807-005.

Title: City of Long Beach Terminal Agreement.

Parties:

City of Long Beach.
 Maersk, Inc.

Synopsis: The Agreement amends the basic agreement (Agreement No. 224-010807). It provides that any adjustment of the monthly rent specified at paragraph 5.2 of the basic agreement, as amended, shall be filed with the Commission and become effective pursuant to the Shipping Act of 1984.

By Order of the Federal Maritime Commission.

Dated: November 9, 1989.

Joseph C. Polking,

Secretary.

[FR Doc. 89-26902 Filed 11-15-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Correction; The Maybaco Co.

This notice corrects a previous Federal Register notice (FR Doc. 89-26,177) published at page 46,774 of the issue for Tuesday, November 7, 1989.

Under the Federal Reserve Bank of Richmond, the entry for The Maybaco Company is amended to read Maryland Bank, N.A., Newark, Delaware instead of Maryland National Bank, N.A., Newark, Delaware.

The entry is also corrected to add the following subsidiaries of MNC Financial, Inc., Baltimore, Maryland which Applicant also proposes to acquire:

Maryland National Pennsylvania Corporation, Philadelphia, Pennsylvania, and thereby engage in making loans for its own account and on behalf of others pursuant to § 225.25(b)(1); MN Credit Corporation, Baltimore, Maryland, and thereby originate consumer loans and personal property leases for itself and bank pursuant to § 225.25(b)(1); MN Services Corporation, Baltimore, Maryland, and thereby engage in mortgage banking and brokerage business, leasing of real or personal property, negotiating loans, and dealing with payments of mortgages, pursuant to § 225.25(b)(1); ReCap, Inc., Wilmington, Delaware, and engage in real estate workout activities, pursuant to § 225.25(b)(1); American Security Investment Services, Inc., Washington, DC, and thereby engage in providing discount brokerage services pursuant to § 225.25(b)(15); ASB Capital Management, Inc., Washington, DC, and thereby engage in acting as an investment advisor pursuant to § 225.25(b)(19); MNC Credit Group, Towson, Maryland, and thereby engage in servicing commercial loans and leases for affiliated or unaffiliated individuals, partnerships, corporations or other entities, acting as advisor or broker in leasing of equipment and personal property, commercial and equipment leasing transactions; leasing of personal property, originating, making, acquiring, holding, servicing, and disposing of secured and unsecured loans, lines of credit, mortgages and charges on real or personal property, engaging in mortgage banking, brokering and servicing and in selling as agent credit life, disability and accident and health insurance in connection with extensions of credit by bank and nonbank subsidiaries of MNC Financial, Inc., commercial lending, including but not limited to financing of accounts receivable, inventories, and other types of secured and unsecured loans to commercial enterprises, pursuant to § 225.25(b)(1), (5) and (8); Maryland National Mortgage Corporation, Baltimore, Maryland, and thereby engage in mortgage banking, brokering and servicing and acting as advisor in mortgage loan transactions, pursuant to

§ 225.25(b)(1); MNC American Corporation, Aurora, Colorado, and thereby engage in industrial banking and servicing loans pursuant to § 225.25(b)(1) and (2); MNC Consumer Discount Company, Coraopolis, Pennsylvania, and thereby engage in mortgage banking, brokering, and servicing, including but not limited to second mortgage financing, and in originating, buying, selling, and otherwise dealing in loans as principal or agent, pursuant to § 225.25(b)(1); Mid-Atlantic Life Insurance Company, Coraopolis, Pennsylvania, and thereby engage in underwriting, as reinsurer, credit life and credit accident and health insurance on loans and other extensions of credit made by subsidiaries of MNC Financial, Inc. and originated in Maryland, Ohio, Pennsylvania, New Jersey, Virginia and by American Industrial Bank, pursuant to § 225.25(b)(8); Landmark Financial Services, Inc., Silver Spring, Maryland, and thereby engage in making, acquiring and servicing consumer, real estate and sales finance loans, acting as broker for credit life, health and accident insurance, reinsuring credit life, health and accident insurance sold by Landmark Financial Services, Inc., providing automobile insurance premium financing, providing data processing services related to such premium financing, pursuant to § 225.25(b)(1), (7), 8(ii) and 8(iii); Virginia Federal Savings Bank, Richmond, Virginia, and engage in operating and controlling a savings association, pursuant to § 225.25(b)(9); First Service Corporation of Virginia, Richmond, Virginia, and engage in managing real property acquired in loan workouts, pursuant to § 225.25(b)(1); Southern Condominium Service, Incorporated, Richmond, Virginia, and engage in managing real property acquired in loan workouts, pursuant to § 225.25(b)(1); Southern Hotel Service, Incorporated, Richmond, Virginia, and engage in managing real property acquired in loan workouts, pursuant to § 225.25(b)(1); Southern Finance Corporation, Richmond, Virginia, and engage in CMO-arbitrage transactions pursuant to § 225.25(b)(9);

Board of Governors of the Federal Reserve System, November 9, 1989.

Barbara R. Lowrey,
Associate Secretary of the Board.

[FR Doc. 89-26910 Filed 11-15-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Administration HHS.

The Department of Health and Human Services (HHS) previously published a list of information collection packages it submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (Pub. L. 96-511). The Health Care Financing Administration (HCFA), a component of HHS, now publishes its own notices as the information collection requirements are submitted to OMB. The HCFA has submitted the following requirements to OMB since the last HCFA list was published.

1. *Type of Request:* Revision; *Title of Information Collection:* Medicaid Integrated Quality Control Review Worksheet; *Form Number:* HCFA-316; *Frequency:* Monthly; *Respondents:* State/local governments; *Estimated Number of Responses:* 4,084; *Average Hours per Response:* 6.6; *Total Estimated Burden Hours:* 269,419 (reporting) and 179,494 (recordkeeping) for a total of 470,161 hours.

2. *Type of request:* Extension; *Title of Information Collection:* Laboratory Personnel Qualification Appraisal; *Form Number:* HCFA-3083; *Frequency:* On occasion; *Respondents:* Individuals/households and small businesses/organizations; *Estimated Number of Responses:* 3,080; *Average Hours per Response:* .33; *Total Estimated Burden Hours:* 1,000.

3. *Type of Request:* Extension; *Title of Information Collection:* Blood Bank Inspection Checklist; *Form Number:* HCFA-282; *Frequency:* Annually; *Respondents:* State/local governments; *Estimated Number of Responses:* 1,500; *Average Hours per Response:* .5; *Total Estimated Burden Hours:* 750.

4. *Type of Request:* New; *Title of Information Collection:* TEFRA Evaluation Survey; *Form Number:* HCFA-R-133; *Frequency:* On occasion; *Respondents:* Individuals/households; *Estimated Number of Responses:* 12,428; *Average Hours per Response:* .5; *Total Estimated Burden Hours:* 6,214.

5. *Type of Request:* Reinstatement; *Title of Information Collection:* Criteria for Medicare coverage of Heart Transplants; *Form Number:* HCFA-R-

106; *Frequency*: Annually; *Respondents*: Small businesses/organizations and non-profit institutions; *Estimated Number of Responses*: 75; *Average Hours per Response*: 100; *Total Estimated Burden Hours*: 7,800.

6. *Type of Request*: New; *Title of Information Collection*: Information Collection Requirements in BPD-311, Revaluation of Assets; *Form Number*: HCFA-R-130; *Frequency*: On occasion; *Respondents*: Small Businesses/organizations and State/local governments; *Estimated Number of Responses*: 102; *Average Hours per Response*: .25; *Total Estimated Burden Hours*: 26.

7. *Type of Request*: Extension; *Title of Information Collection*: Information Collection Requirements in BPD-356, Limits on Payment for Drugs; *Form Number*: HCFA-R-113; *Frequency*: Annually; *Respondents*: State/local governments; *Estimated Number of Responses*: 52; *Average Hours per Response*: 3; *Total Estimated Burden Hours*: 156 (reporting) and 156 (recordkeeping) for a total of 312 hours.

8. *Type of Request*: Extension; *Title of Information Collection*: Acquisition, Protection and Disclosure of PRO Information; *Form Number*: HCFA-R-70; *Frequency*: On occasion; *Respondents*: Businesses/other for profit and small businesses/organizations; *Estimated Number of Responses*: 53; *Average Hours per Response*: 1,175.8; *Total Estimated Burden Hours*: 62,317.

9. *Type of Request*: Extension; *Title of Information Collection*: Municipal Health Services Cost Reporting Form; *Form Number*: HCFA-255; *Frequency*: Annually; *Respondents*: State/local Governments; *Estimated Number of Responses*: 15; *Average Hours per Response*: 34; *Total Estimated Burden Hours*: 510.

10. *Type of Request*: Revision; *Title of Information Collection*: Claims Processing Assessment System (CPAS) Review Schedule; *Form Number*: HCFA-331, 503, R-91 and R-83; *Frequency*: On occasion; *Respondents*: State/local governments; *Estimated Number of Responses*: 51; *Average Hours per Response*: 1,043; *Total Estimated Burden Hours*: 53,194 (reporting) and 12,991 (recordkeeping) for a total of 66,185 hours.

Additional Information or Comments: Call the Reports Clearance Officer on 301-966-2088 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address: OMB Reports Management Branch, Attention: Allison Herron, New Executive Office

Building, Room 3208, Washington, DC 20503.

Date: November 9, 1989.

Louis B. Hays,
Acting Administrator Health Care Financing
Administration.

[FR Doc. 89-26936 Filed 11-15-89; 8:45 am]

BILLING CODE 4120-03-M

Health Resources and Services Administration

National Vaccine Injury Compensation Program List of Petitions Received

AGENCY: Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Public Health Service (PHS) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the PHS Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Claims Court is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program generally, contact the Clerk, United States Claims Court, 717 Madison Place, NW., Washington, DC 20005, (202) 633-7257. For information on the Public Health Service's role in the Program, contact the Administrator, Vaccine Injury Compensation Program, Parklawn Building, 5600 Fishers Lane, Room 4-101, Rockville, MD 20857, (301) 443-6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Claims Court and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to PHS. The Claims Court is directed by statute to appoint special matters to take evidence, conduct hearings as appropriate, and to submit to the Court proposed findings of fact with respect to injuries.

A petition may be filed with respect to injuries, disabilities, illnesses,

conditions, and deaths resulting from vaccines described in the Vaccine Injury Table set forth at section 2114 of the PHS Act. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, not only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that the Secretary publish in the Federal Register a notice of each petition filed. Set forth below is a list of petitions received by PHS from September 26 through October 31, 1989. Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table (see section 2114 of the PHS Act) but which was caused by" one of the vaccines referred to in the table, or

(b) "sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Claims Court at the address listed above (under the heading "For Further Information Contact"), with a copy to PHS addressed to Acting Director, Bureau of Health Professions, 5600 Fishers Lane,

Room 8-05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission.

Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. James Watson on behalf of Grant Watson, Albany, Georgia, Claims Court Number 89-92 V;
2. Kim & Maureen Gaskill on behalf of Katherine Gaskill, Deceased, Indianapolis, Indiana, Claims Court Number 89-93 V;
3. Beverly & Rose Morris on behalf of Katherine Morris, Austin, Texas, Claims Court Number 89-94 V;
4. Karen Brauer, Houston, Texas, Claims Court Number 89-95 V;
5. Troy C. Smith, Washington, DC, Claims Court Number 89-96 V;
6. First Commercial Bank on behalf of Jimmy Ray Jones, Jr., Deceased, Little Rock, Arkansas, Claims Court Number 89-97 V;
7. Cynthia Pease on behalf of Valerie Pease, Deceased, Detroit, Michigan, Claims Court Number 89-98 V;
8. Nancy Lehman on behalf of Karen Lehman, Twin Falls, Idaho, Claims Court Number 89-99 V;
9. Mark & Mary Muench on behalf of Andrew Muench, Rochester, New York, Claims Court Number 89-100 V;
10. Tecola Miles on behalf of Amadika Miles, Deceased, Philadelphia, Pennsylvania, Claims Court Number 89-101 V;
11. Michael Veon on behalf of Eric Veon, Santa Cruz, California, Claims Court Number 89-102 V;
12. Carl & Rachel Ruben on behalf of Max Ruben, Boca Raton, Florida, Claims Court Number 89-103 V;
13. Donald & Patricia Cameron on behalf of Amanda Cameron, Portage, Pennsylvania, Claims Court Number 89-104 V;
14. Theodore & Jean Kotopoulos on behalf of Elaine Kotopoulos, Fort Lee, New Jersey, Claims Court Number 89-105 V.

Dated: November 9, 1989.

John H. Kelso,

Acting Administrator.

[FR Doc. 89-26914 Filed 11-15-89; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

Notice of Establishment; Biomedical Research Support Advisory Committee

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776), and section 402(b)(6) of the Public Health Service Act, [42 U.S. Code 282(b)(6)] as amended, the Acting Director, NIH,

announces the restructuring and renaming of the General Research Support Review Committee, effective October 1, 1989. The new committee will be the Biomedical Research Support Advisory Committee.

The Biomedical Research Support Advisory Committee shall provide technical and scientific advice to the Director, NIH, and the Director, Division of Research Resources, on matters relating to new institutional and support mechanisms, guidelines, planning, objectives, operational policy and review for special initiatives.

Unless renewed by appropriate action prior to its expiration, the Biomedical Research Support Advisory Committee will terminate September 30, 1991.

Dated: November 6, 1989.

William F. Raub,

Acting Director, NIH.

[FR Doc. 89-26860 Filed 11-15-89; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

Supplementary Agreement on Social Security Between the United States and Switzerland; Entry Into Force

The Commissioner of Social Security gives notice that on October 1, 1989, a supplementary agreement entered into force which amends the social security agreement between the United States (U.S.) and Switzerland that has been in effect since November 1, 1980. The supplementary agreement, which was signed on June 1, 1988, was concluded pursuant to section 233 of the Social Security Act. It simplifies the original agreement, primarily by introducing a new method of computing U.S. Social Security benefit amounts when entitlement for the benefits is based on combined U.S. and Swiss social security coverage. The supplementary agreement also updates and clarifies several additional provisions of the original agreement.

Persons who wish to obtain copies of the agreement or want more information about its provisions may write to the Social Security Administration, Office of International Policy, Room 1104, West High Rise Building, 6401 Security Boulevard, Baltimore, MD 21235.

Dated: October 31, 1989.

Gwendolyn S. King,

Commissioner of Social Security

[FR Doc. 89-26946 Filed 11-15-89; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision of Notice of System Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior is revising a notice describing a system of records maintained by the Office of Surface Mining Reclamation and Enforcement. The change being published is editorial in nature, and reflects an organizational change which has occurred in the system manager section of the notice since publication of the material in the *Federal Register* on June 16, 1988 (53 FR 22575). The notice being revised is titled "Applicant/Violator System (AVS)—Interior, OSMRE-9," and is published in its entirety below.

Since this change does not involve any new or intended use of the information in the system of records, the notice shall be effective on or before November 16, 1989. Additional information regarding this revision may be obtained from the Privacy Act Officer, Office of Surface Mining Reclamation and Enforcement, Room 252, South Interior Building, U.S. Department of the Interior, Washington, D.C. 20240.

Dated: November 6, 1989.

Oscar W. Mueller, Jr.,

Director, Office of Management Improvement.

Interior/OSMRE-9

SYSTEM NAME:

Applicant/Violator System (AVS)—Interior. OSMRE-9.

SYSTEM LOCATION:

Office of Surface Mining Reclamation and Enforcement (OSMRE), Department of the Interior, Washington, D.C. 20240 and field locations. For specific addresses of field locations contact the System Manager at the address given below. Major system hardware is located at the National Center, Geological Survey, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains names of coal mining permit holders and applicants; individuals and entities who own or control coal mining permit holders and applicants; operators for and agents of coal mining permit holders and applicants; individuals and entities responsible for unabated Federal or State cessation orders, unpaid Federal

or State civil penalties. Federal or State air and water quality violations arising from surface mining operations, bond forfeitures, or violations of abandoned mine land reporting and payment requirements arising under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq. (SMCRA); and individuals or entities who own or control individuals or entities responsible for unabated Federal or State cessation orders, unpaid Federal or State civil penalties, Federal or State air and water quality violations arising from surface mining operations, bond forfeitures, or violations of abandoned mine land reporting and payment requirements arising under the SMCRA.

CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Coal Mining Permit Application information and Permit information such as individuals listed in the application or permit (names, addresses, and social security numbers, if available), bond and acreage information; (2) violator information obtained from OSMRE enforcement records, state enforcement records, and abandoned mine land records; (3) ownership and control information on coal mining operations obtained from the aforementioned records, the Mine Safety and Health Administration legal identity forms and other MSHA records, State Corporation Commission and Secretary of State records, clerk of court records, company or operator financial reports and investigative reports provided to OSMRE under contract.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq.; and the February 1, 1985, Revised Court Order in *Save Our Cumberland Mountains, Inc., et al. v. William P. Clark, et al.*, Civil No. 81-2134 (D.D.C. 1985).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The primary uses of the records are to: (a) Serve as a tool for OSMRE and State regulatory authorities to determine if any individual or entity who owns or is in control of an operation covered by a coal mining permit or application for a permit was or is in control of any entity with an unabated Federal or State cessation order, unpaid Federal or State civil penalty, Federal or State air and water quality violation, bond forfeiture, or violation of abandoned mine land reporting and payment requirements arising under SMCRA; (b) enable OSMRE and State regulatory authorities

to take appropriate to withhold or revoke permits of entities or individuals responsible for violations of SMCRA, the corresponding provisions of State law, or other laws or regulations referred to in section 510(c) of SMCRA; (c) develop data on coal mining activities on a nationwide basis; (d) provide statistics by company, region; judicial district, State and nationwide for management purposes; (e) enable OSMRE and State regulatory authorities to effectively monitor their program requirements; (f) enable OSMRE to collect civil penalties due it from violators or to collect delinquent abandoned mine land fees. Disclosures outside the Department of the Interior may be made: (1) To the appropriate Federal, State, local or foreign agency responsible for investigating, prosecuting, enforcing or implementing any statute, rule, regulation, or order when OSMRE becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) to the Internal Revenue Service when disclosure will enable OSMRE to collect civil penalties due it from violators or to collect delinquent abandoned mine lands fees; (3) to a congressional office from the record of an individual in response to an inquiry the individual has made to the congressional office; (4) to public interest groups as may be required under a February 1, 1985, Revised Court Order in *Save Our Cumberland Mountains, Inc., et al. v. William P. Clark, et al.*, Civil No. 81-2134 (D.D.C. 1985); (5) to the U.S. Department of Justice or a court or other adjudicative body of competent jurisdiction when (a) the United States, the Department of the Interior, a component of the Department, or, when represented by the government, an employee of the Department is a party to litigation or anticipated litigation or has an interest in such litigation, and (b) the Department of the Interior determines that the disclosure is relevant or necessary to the litigation and is compatible with purpose for which the records were compiled; (6) to applicants and permittees pursuant to permit determinations; (7) to individuals or entities in response to their requests for permit-related information about themselves and related individuals or entities contained within the AVS system of records.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)),

or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file cabinets and recorded on computer usable media.

RETRIEVABILITY:

Data is retrievable by numerous combinations or data filed such as assigned index number, company name, individual name, State, permit number, violation numbers and amount(s) due.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized and manual records. Manual records are maintained in OSMRE areas occupied by OSMRE personnel during working hours with buildings locked and/or guarded during nonworking hours.

RETENTION AND DISPOSAL:

Data stored on computer usable media will be retained until it is determined that the data is no longer needed or required. Manual records will be retained to serve as verification and back-up material. ADP printout records will be disposed of periodically when superseded. Records are retained and disposed of in accordance with OSMRE Records Disposition Authority NC1-433-80-1, Item No. 302-06.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Finance and Accounting, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether information is maintained on you in this system, write to the Systems Manager. See 43 CFR 2.60 for form of request.

RECORD ACCESS PROCEDURE:

To see your records, write the system Manager. Describe as specifically as possible the records sought and mark the request "Privacy Act Request for Access." See 43 CFR 2.63 for required content of request.

CONTESTING RECORD PROCEDURES:

A petition for amendment of AVS data shall be addressed to the Assistant Director, Information Systems Management and must meet the content requirement of 43 CFR 2.71. The petition for amendment must be submitted in writing.

RECORD SOURCE CATEGORIES:

(1) Federal and State Coal Mining Permit files both manual and computerized. (2) Applicable OSMRE and State Title IV and V programs files both manual and computerized. (3) Mine Safety and Health Administration (MSHA) Legal Identity Forms and other records. (4) Individual, Operator and Company financial reports. (5) MSHA R-31 Comptroller information Data Base. (6) State Corporation Commission, Secretary of State, Taxation bureaus and Clerk of Court Records. (7) Individual or Company Net Worth Determination reports. (8) Department of the Interior Solicitor Files. (9) OSMRE contractors who prepare investigative reports.

[FR Doc. 89-26971 Filed 11-15-89; 8:45 am]

BILLING CODE 4310-05-M

Bureau of Land Management

[CO-010-00-4320-02]

Craig, Colorado, Advisory Council Meeting

Time and Date: December 13, 1989, at 10 a.m.

Place: BLM-Craig District Office, 455 Emerson Street, Craig, Colorado.

Status: Open to public; interested persons may make oral statements at 10:30 a.m. Summary minutes of the meeting will be maintained in the Craig District Office.

Matters To Be Considered

1. Coal bed methane
2. Wildlife 2000
3. Follow up on riparian workshop
4. Status of recreation resolution
5. Status of noxious weed resolution
6. Division of Wildlife's elk/cattle grazing study
7. BLM's allocation of forage in wildlife/livestock conflict allotments
8. Coordinated resource management.

Contact Person for More Information: Mary Pressley BLM Craig District Office, 455 Emerson Street, Craig, Colorado 81625-1129, Phone: (303) 824-8261.

Dated: November 7, 1989.

Kenneth P. Smith,
Acting District Manager.

[FR Doc. 89-26929 Filed 11-15-89; 8:45 am]

BILLING CODE 4310-JB-M

[CA-050-4410-04]

Advisory Council Meeting; Ukiah, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting, Ukiah, California, District Advisory Council.

SUMMARY: Pursuant to Public Law 94-579 and 43 CFR 1780, the Ukiah District Advisory Council will meet in Redding, California, December 13-14, 1989, to discuss a number of issues related to management of public lands in the Ukiah District's Arcata, Clear Lake, and Redding resource areas. A complete agenda is available from the Ukiah BLM Office.

DATES: The Council will meet from 1:00 p.m. to 4:00 p.m. December 13 and from 8:00 a.m. to 3:30 p.m. December 14. Opportunity for public comment will be provided at 10:00 a.m. December 14.

ADDRESS: The Council will meet at the Bureau of Land Management Office, 355 Hemsted Drive, in Redding.

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462-3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory Council are open to the public. Individuals may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 10:00 a.m. Thursday, December 14. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: November 3, 1989.

Alfred W. Wright,
District Manager.

[FR Doc. 89-26933 Filed 11-15-89; 8:45 am]

BILLING CODE 4310-MC-M

[NV-930-08-4212-14; N-39772, et al.]

Battle Mountain District, Tonopah Resource Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action; competitive sale of Federal land in Nye County, Nevada.

SUMMARY: The following described land has been examined and identified as suitable for disposal by sale through competitive bidding procedures under section 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713 and 1719) at no less than the appraised fair market value:

Mount Diablo Meridian

T. 12 S., R. 47 E.,

Sec. 7,

N-39772 lot 57

N-51405 lot 10

N-51406 lot 11

N-51407 lot 42

N-51408 lot 43

N-51409 lot 58

N-51410 lot 61

N-51411 lot 62

N-51412 SW¼NE¼NE¼NW¼

N-51413 SE¼NW¼NE¼NW¼

N-51414 NE¼SW¼NE¼NW¼

N-51415 NW¼SE¼NE¼NW¼

Twelve parcels of land, each containing 2.5 acres, for a total of 30 acres.

The sale is consistent with the Bureau's planning system and the Esmeralda-Southern Nye Resource Management Plan. The parcels are isolated. The land is not needed for any resource program and is not suitable for management by the Bureau or any other Federal department or agency. The land will not be offered for sale for at least 60 days after publication of this Notice in the **Federal Register**.

The lands are not within any Grazing Allotment.

The patent, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. Oil, gas, geothermal steam and associated geothermal resources, saleable and locatable minerals, together with the right to prospect for, mine and remove these minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at the Battle Monument District Office.

The patents, when issued, will be subject to a 50 foot easement for roads and public utilities purposes, in favor of Nye County, along the north, south, east, and west boundaries of each parcel.

Patents to lots 57 (N-39772) and 58 (N-51409), when issued, will be subject to N-51921, a 100 foot wide right-of-way for powerline purposes which has been granted to the Valley Electric Association, Inc. in perpetuity.

General Information: Publication of this notice in the **Federal Register** segregates the public lands from all the forms of appropriation under the public land laws and the mining laws. The segregative effect will end upon issuance of a patent to these lands, upon publication in the **Federal Register** of a notice of termination or 270 days from the date of publication of this notice, whichever comes first.

Information relative to the sale and bidding procedures as well as the appraised fair market value of the

parcels, will be made available to the public at a later date, not less than 30 days before the sale.

The lands are proposed to be offered for sale by sealed bid, utilizing competitive bidding procedures. Conveyance of the mineral estates, except for oil, gas, geothermal steam and associated geothermal resources, saleable and locatable minerals, will occur simultaneously with the sale of the land. A bid will constitute an application for the mineral estates having no known mineral values; therefore, all bids must be accompanied by a \$50.00 filing fee for conveyance of the available mineral interests.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1420, Battle Mountain, Nevada 89820. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

James D. Currian,

Battle Mountain District Manager.

[FR Doc. 89-26954 Filed 11-15-89; 8:45 am]

BILLING CODE 4310-HC-M

[WY-940-00-4730-12]

Filing of Plats of Survey

AGENCY: Bureau of Land Management, Interior.

ACTION: Filing of plats of survey.

SUMMARY: The plats of survey of the following described lands were officially filed in the Wyoming State Office, Bureau of Land Management, Cheyenne, Wyoming, effective 10:00 a.m., November 6, 1989.

Sixth Principal Meridian
T. 52 N., R. 70 W.

The plat representing the dependent resurvey of the south boundary and the subdivisional lines, T. 52 N., R. 70 W., Sixth Principal Meridian, Wyoming, Group No. 473, was accepted October 30, 1989.

T. 52 N., R. 71 W.

The plat representing the dependent resurvey of the south and east boundaries, a portion of the west boundary, and the subdivisional lines, T. 52 N., R. 71 W., Sixth Principal Meridian, Wyoming, Group No. 473, was accepted October 30, 1989.

T. 42 N., R. 116 W.

The plat representing the corrective dependent resurvey of a portion of the

subdivisional lines, T. 42 N., R. 116 W., Sixth Principal Meridian, Wyoming, Group No. 514, was accepted October 30, 1989.

These surveys were executed to meet certain administrative needs of this Bureau.

ADDRESS: All inquiries concerning these lands should be sent to the Wyoming State Office, Bureau of Land Management, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82003.

Dated: November 7, 1989.

John P. Lee, Chief,

Branch of Cadastral Survey.

[FR Doc. 89-26931 Filed 11-15-89; 8:45 am]

BILLING CODE 4310-22-M

[ID-943-90-4214-11; IDI-4476, IDI-05384]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that a withdrawal of 21.7 acres in the Challis and Salmon National Forests continue for an additional 30 years. The lands are now being used as one administrative site and one recreation site. The lands would remain closed to surface entry and mining, but have been and would remain open to mineral leasing.

DATE: Comments should be received by February 14, 1990.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, Idaho State Office, BLM, 3380 American Terrace, Boise, Idaho 83706, 208-334-1720.

The U.S. Forest Service proposes that the existing land withdrawals made by Public Land Order Nos. 5230 and 1376 be continued for a period of 30 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The lands are described as follows:

Boise Meridian

(P.L.O. 5230, IDI-4476)

Hughes Creek Administrative Site Addition
No. 1

T. 25 N., R. 21 E., unsurveyed,
Secs. 15 and 22, metes and bounds.

(P.L.O. 1376, IDI-05384)

Park Creek Recreation Area

T. 6 N., R. 18 E., unsurveyed,
Sec. 24, Metes and bounds.

The areas described aggregate 21.7 acres in Lemhi and Custer Counties.

The withdrawals are essential for protection of substantial capital improvements on the sites. The withdrawals closed the lands to surface entry and mining, but not to mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuations may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawals will be continued; and is so, for how long. The final determination of the withdrawals will be published in the **Federal Register**. The existing withdrawals will continue until such final determination is made.

Dated: November 7, 1989.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 89-26952 Filed 11-5-89; 8:45 am]

BILLING CODE 4310-GG-M

[NV-930-00-4920-10-4445; N-50250]

Proposed Withdrawal of Public Lands at Yucca Mountain, Nevada; Public Meeting

November 9, 1989.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meetings on the proposed withdrawal of public lands at Yucca Mountain.

SUMMARY: The Bureau of Land Management has scheduled public meetings in Reno, and Henderson, NV on the Department of Energy's (DOE) Yucca Mountain withdrawal application. The purpose of these public meetings is to gather information for consideration and incorporation into the withdrawal case record. The Department of Energy has amended their withdrawal application to exclude use of the land for site characterization studies. In other words, the proposed withdrawal will be solely for the purpose of maintaining the physical integrity of the subsurface environment from unplanned or unknown intrusions in order to ensure that scientific studies

for site characterization are not invalidated. The actual site characterization studies on the subject land have been authorized by a right-of-way reservation (N-47748) that was issued to the Department of Energy on January 6, 1988, pursuant to Sec. 507 of the Federal Land Policy and Management Act (43 U.S.C. 1767).

DATES: The public meetings will be held in Reno, Nevada at the Reno-Sparks Convention Center, 4590 S. Virginia St., Reno, NV on December 18, 1989, and in Henderson, NV at the Henderson Convention Center, 200 South Water, Henderson, NV on December 19, 1989. Both meetings will begin at 6:00 PM each evening. Additional public comments will be accepted until December 29, 1989. Those persons wishing to make a statement at either meeting should pre-register by calling (702) 646-8800 in Las Vegas or (702) 328-6330 in Reno. They may also register at the door prior to the meetings.

ADDRESS: Written comments should be addressed to: State Director (NV-943), Bureau of Land Management, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520.

FOR FURTHER INFORMATION CONTACT: Mary Clark, Nevada State Office, 850 Harvard Way, Reno, Nevada, telephone (702) 328-6330.

Edward F. Spang,

State Director, Nevada.

[FR Doc. 89-26907 Filed 11-15-89; 8:45 am]

BILLING CODE 4310-HC-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-439 through 445 (Preliminary)]

Industrial Nitrocellulose From Brazil, Japan, People's Republic of China, Republic of Korea, United Kingdom, West Germany, and Yugoslavia

Determinations

On the basis of the record¹ developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Brazil, Japan, the People's Republic of China, the Republic of Korea, the United Kingdom, West Germany, and

Yugoslavia of industrial nitrocellulose,² provided for in subheading 3912.20.00 of the Harmonized Tariff Schedule of the United States (previously under item 445.25 of the former Tariff Schedules of the United States), that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On September 19, 1989, a petition was filed with the Commission and the Department of Commerce by Hercules Incorporated, Wilmington, Delaware, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of industrial nitrocellulose from Brazil, Japan, the People's Republic of China, the Republic of Korea, the United Kingdom, West Germany, and Yugoslavia. Accordingly, effective September 19, 1989, the Commission instituted preliminary antidumping investigations Nos. 731-TA-439 (Preliminary) (Brazil), 731-TA-440 (Preliminary) (Japan), 731-TA-441 (Preliminary) (People's Republic of China), 731-TA-442 (Preliminary) (Republic of Korea), 731-TA-443 (Preliminary) (United Kingdom), 731-TA-444 (Preliminary) (West Germany), and 731-TA-445 (Preliminary) (Yugoslavia).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of September 22, 1989 (54 FR 39055). The conference was held in Washington, DC, on October 11, 1989, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on November 3, 1989. The views of the Commission are contained in USITC Publications 2231 (November 1989), entitled "Industrial Nitrocellulose from Brazil, Japan, People's Republic of China, Republic of Korea, United Kingdom, West Germany, and Yugoslavia: Determinations of the Commission in Investigations Nos. 731-

² Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent, which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. The scope of these investigations does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

TA-439 through 445 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigations."

By Order of the Commission.

Issued: November 6, 1989.

Kenneth R. Mason,

Secretary.

[FR Doc. 89-26881 Filed 11-15-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-262]

Review of Mexico's Recent Trade and Investment Liberalization Measures and Prospects for Future U.S.-Mexican Trade Relations

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation, scheduling of hearing, and request for comments.

EFFECTIVE DATE: November 8, 1989.

FOR FURTHER INFORMATION CONTACT: Constance A. Hamilton (202-252-1263), Trade Reports Division, Office of Economics, U.S. International Trade Commission, Washington, DC 20436.

Background

The Commission instituted investigation No. 332-262 following receipt of a letter on October 18, 1989 from the House Committee on Ways and Means requesting the Commission to conduct a two-phase investigation under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) of Mexico's recent trade and investment reforms. As requested by the Committee, phase I of the investigation will provide a comprehensive review of recent trade and investment liberalization measures undertaken by Mexico and, to the extent possible, a description of the implications for U.S. exporters and investors. Some discussion of Mexico's role in and positions taken in the Uruguay Round of multilateral trade negotiations will also be provided.

Phase II will provide a summary of the views of recognized authorities on prospects for future U.S.-Mexican trade relations. As requested by the Committee, this survey will explore such proposals as a free trade area, an enhanced dispute settlement mechanism, possible sectorial approaches, the recently established Framework of Understanding, and other options for enhanced bilateral trade relations.

Phase I of the investigation will be submitted to the Committee no later than six months after receipt of the

¹ The record is defined in section 207.2(h) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(h)).

letter; phase II will be submitted to the Committee no later than 6 months after completion of phase I.

Public Hearing

A public hearing in connection with phase I of this investigation will be held in the Commission Hearing Room, 500 E Street, SW., Washington, DC 20436, beginning at 9:30 a.m. on December 4, 1989. All persons have the right to appear by counsel or in person, to present information, and to be heard. Requests to appear at the public hearing should be filed with the Secretary, United States International Commission, 500 E Street, SW., Washington, DC 20436, no later than noon, November 27, 1989. The deadline for filing prehearing briefs (original and 14 copies) is November 27, 1989. Post hearing briefs are due on December 18, 1989. Notice of a separate public hearing for phase II of this investigation will be announced in the *Federal Register* at a later date.

Written Submissions

Interested persons are invited to submit written statements concerning the matters to be addressed in the phase I report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than January 8, 1990. All submissions should be addressed to the Secretary to the Commission at the Commission's office in Washington, DC.

By Order of the Commission.
Issued: November 9, 1989.

Kenneth R. Mason,
Secretary.

[FR Doc. 89-26880 Filed 11-15-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-427 (Final)]

Certain Telephone Systems and Subassemblies Thereof From Korea

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

EFFECTIVE DATE: August 14, 1989.

FOR FURTHER INFORMATION CONTACT:

Rebecca Woodings (202-252-1192), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION: Effective August 2, 1989, the Commission instituted the subject investigation and established a schedule for its conduct (54 FR 33783, August 16, 1989). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from October 10, 1989 to December 18, 1989 (54 FR 33261, August 14, 1989). The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's schedule for the investigation is revised as follows: the deadline for filing posthearing briefs is January 3, 1990, and the deadline for Parties to file additional written comments on business proprietary information is January 10, 1990.

For further information concerning this investigation see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: November 9, 1989.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 89-26903 Filed 11-15-89; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Passenger Carrier or Water Carrier; Finance Applications Under 49 U.S.C. 11343-11344

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties of, or acquire control of motor passenger carriers or water carriers pursuant to 49 U.S.C. 11343-11344. The applications are governed by 49 CFR Part 1182, as revised in *Pur., Merger & Cont.-Motor Passenger & Water Carriers*, 5 L.C.C.2d 786 (1989). The findings for these applications are set forth at 49 CFR 1182.18. Persons wishing to oppose an application must follow the rules under 49 CFR 1182, Subpart B. If no one timely opposes the application, this publication automatically will become the final action of the Commission.

MC-F-19545, filed October 30, 1989. Barnett Rukin, et al.—Continuance in Control—Giraldo Limousine Service Corp. Applicants' representative: Michael J. Marzano, 99 Kinderkamack Road, Westwood, NJ 07675. Applicants Barnett Rukin, Julius Eisen, Irwin Flateman, Charles J. Flateman, individuals, and Short Line Terminal Agency, Inc., and Limousine Rental Service, Inc., (collectively, Rukin et al.), are in control: (1) of Chenango Valley Bus Lines, Inc. (MC-141324); (2) Colonial Coach Corp. (MC-39491); (3) GL Bus Lines, Inc. (MC-180074); (4) Gray Line New York Tours, Inc. (MC-180229); (5) Hudson Transit Corporation (MC-133403); (6) Hudson Transit Lines, Inc. (MC-228); (7) International Bus Services, Inc. (MC-155937), common and contract carriers of passengers; and (8) of Giraldo Limousine Service Corp. (Giraldo), a new carrier seeking its initial common and contract authority to transport passengers, in charter and special operations, between points in the United States and passengers and their baggage, between points in the United States, under continuing contract(s) with persons or organizations requiring passenger service (MC-218255). The business address of Rukin et al. is 17 Franklin Turnpike, Mahwah, NJ 07430 and the business address of Giraldo is 614 West 49th Street, New York, NY 10019. Upon issuance of authority to Giraldo, Rukin et al. will be in control of eight carriers.

Decided: November 8, 1989.

By the Commission, the Motor Carrier Board.

Noreta R. McGee,
Secretary.

[FR Doc. 89-26949 Filed 11-15-89; 8:45 am]

BILLING CODE 7035-01

[Finance Docket No. 31561]

**Consolidated Rail Corporation—
Trackage Rights Exemption—Boston
and Maine Corp. and Springfield
Terminal Railway Co.**

Boston and Maine Corporation and Springfield Terminal Railway Company have agreed to grant overhead trackage rights to Consolidated Rail Corporation approximately between milepost 3.0 at Barber, MA, and milepost 28.0 (Hill Yard) at Ayer, MA. The trackage rights became effective on November 3, 1989.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: John J. Paylor, Consolidated Rail Corporation, 1138 Six Penn Center Plaza, Philadelphia, PA 19103-2959.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978)*, as modified in *Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980)*.

Dated: November 14, 1989.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-27090 Filed 11-15-89; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31560]

**Consolidated Rail Corp. Trackage
Rights Exemption—Providence and
Worcester Railroad Co.**

Providence and Worcester Railroad Company (PW) has agreed to grant overhead trackage rights to Consolidated Rail Corporation (Conrail) in the city of Worcester, MA, over PW's Track 1, extending from the east side of Green Street to its connection with PW's Main Track, north of Bridge Street, then over the Main Track to PW's Gardner Branch baseline station 153+50. The trackage rights became effective November 3, 1989.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the

exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on John J. Paylor, Consolidated Rail Corporation, 1138 Six Penn Center, Philadelphia, PA 19103.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978)*, as modified in *Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980)*.

Dated: November 14, 1989.

By the Commission, Jane F. Mackall,
Director, Office of Proceedings.

Noreta R. McGee,
Secretary.

[FR Doc. 89-27091 Filed 11-15-89; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

**Lodging of Consent Decree Pursuant
to Safe Drinking Water Act**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on November 6, 1989 a proposed consent decree in *United States v. Duffield*, Civil Action No. 88-C-1367-B, was lodged with the United States District Court for the Northern District of Oklahoma. The proposed consent decree concerns a complaint filed by the United States that alleged violations of the underground injection control ("UIC") program set forth at part C of the Safe Drinking Water Act, 42 U.S.C. 300h-300h-7, and its implementing regulations codified at 40 CFR part 147, Subpart GGG. The violations involve the operation of two salt water disposal wells, known as Well No. 4 and Well No. 5, located in the Southwest Quarter of Osage County, Oklahoma. The complaint alleged several violations of the UIC regulations including (1) failure to demonstrate mechanical integrity of well No. 4; (2) failure to submit annual reports for well No. 4; (3) failure to plug well No. 5 within one year after termination of injection; (4) failure to submit annual reports for well No. 5; (5) failure to demonstrate mechanical integrity for well No. 5; and (6) failure to correct the construction of well No. 5 within one year of notification of the well's inadequacies. The complaint sought injunctive relief to require compliance with the UIC program and civil penalties for past violations. Since the filing of the complaint, defendant Duffield has brought Well No. 4 into compliance with

the regulations. Duffield has also ceased use of Well No. 5 as an injection well. The consent decree requires Duffield to maintain compliance with UIC regulations for Well No. 4, and properly plug Well No. 5 or convert it to a production well. The decree requires the defendant to pay \$12,000 in settlement of the United States' claims for civil penalties.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, United States Department of Justice, Washington, DC 20530, and should refer to *United States v. Duffield*, D.J. Ref. 90-5-1-1-3142.

The proposed consent decree may be examined at the office of the United States Attorney for the Northern District of Oklahoma, 3600 U.S. Courthouse, 333 West Fourth Street, Tulsa, Oklahoma 74103 and at the Region VI Office of the United States Environmental Protection Agency, Office of Regional Counsel, 1445 Ross Avenue, Dallas, Texas 75202-2733. Copies of the consent decree may also be examined at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, room 1517, Ninth Street and Pennsylvania Avenue, NW., Washington, DC. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Richard B. Stewart,

Assistant Attorney General, Land and
Natural Resources Division

[FR Doc. 89-26950 Filed 11-15-89; 8:45 am]

BILLING CODE 4410-01-M

**NATIONAL ARCHIVES AND RECORDS
ADMINISTRATION**

**Records Schedules; Availability and
Request for Comments**

AGENCY: Office of Records
Administration, NARA.

ACTION: Notice of availability of
proposed records schedules; request for
comments.

SUMMARY: The National Archives and
Records Administration (NARA)
publishes notice at least once monthly
of certain Federal agency requests for
records disposition authority (records
schedules). Records schedules identify
records of sufficient value to warrant

preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATE: Requests for copies must be received in writing on or before January 2, 1990. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESS: Address requests for single copies of schedules identified in this notice to the Record Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the

records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force (N1-AFU-90-4). Slot Machine Status Reports.
2. Department of Agriculture (N1-16-89-1). Background material pertaining to audits and investigations, and headquarters reference copies of field investigation case files.
3. Department of Commerce, Patent and Trademark Office (N1-241-89-3). Copies of Congressional correspondence retained outside the Commissioner's Office.
4. General Services Administration, Federal Supply Service (N1-137-89-3). Facilitative specification files.
5. Department of Justice, Executive Officer for Immigration Review (N1-60-89-9). Case files of the Chief Administrative Hearing Officer.
6. Department of Justice, Federal Bureau of Investigation (N1-65-89-7). Index cards for cases whose destruction have been authorized or which have been automated.
7. Department of Justice, Foreign Claims Settlement Commission, Micronesian Claims Commission (N1-299-89-5). Financial and personnel files, routine correspondence, and inquiries received after the filing deadline.
8. Department of Labor, Commission on Workforce Quality and Labor Market Efficiency (N1-174-90-1). Comprehensive schedule for all records of the Commission.
9. Office of Personnel Management, Office of Workforce Information (N1-146-89-1). The dynamics and longitudinal files of the Central Personnel Data File (the master file will be transferred to the National Archives).

Dated: November 9, 1989.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 89-26977 Filed 11-15-89; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

Date: November 9, 1989.

The National Credit Union Administration has submitted the following public information collection

requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA Administrative Office, Room 7344, 1776 G Street, Washington, DC 20456.

National Credit Union Administration

OMB number: 3133-0004.

Form number: NCUA 5300.

Type of review: Revision of a currently approved collection.

Title: Semiannual Financial and Statistical Report.

Description: Federally-insured credit unions are required to report information necessary for supervisory purposes, internal management, policy and regulatory decisions and research.

Respondents: Federally-insured credit unions.

Estimated number of respondents: 14,236.

Estimated burden hours per response: 4.50 hours.

Frequency: Semiannually.

Estimated total reporting burden: 128,124 hours.

OMB number: 3133-0058.

Form number: None.

Type of review: Extension of the expiration of a currently approved collection.

Title: Credit Committee Records.

Description: Credit unions must maintain records of the actions taken regarding approval-disapproval of loans.

Respondents: Federal credit unions.

Estimated number of respondents: 8,963.

Estimated burden hours per response: 8 hours.

Frequency of response: Monthly.

Estimated total reporting burden: 71,704 hours.

OMB number: 3133-0080.

Form number: None.

Type of review: Extension of the expiration date of a currently approved collection.

Title: Special Meetings of Federal Credit Union Board.

Description: Federal Credit Union Bylaws require that the credit union president call a special meeting of the board of directors upon receipt of a written request signed by the majority of the directors.

Respondents: Federal credit unions.

Estimated number of respondents: 890.

Estimated burden hours per response: 4 hour.

Frequency of response: As necessary.

Estimated total reporting burden: 356 hours.

OMB number: 3133-0081

Form number: None.

Type of review: Extension of the expiration date of a currently approved collection.

Title: Credit Union Bylaws and Certificate.

Description: Each Federal Credit Union is required to maintain file copies of its organization certificates, bylaws, amendments and special authorizations.

Respondents: Federal credit unions.

Estimated number of respondents: 8,963.

Estimated burden hours per response: .2 hour.

Frequency of response: As necessary.
Estimated total reporting burden: 1,793 hours.

Clearance Officer: Wilmer A. Theard, (202) 682-9700, National Credit Union Administration, Room 7344, 1776 G Street, NW, Washington, DC 20456.

OMB reviewer: Gary Waxman (202) 395-7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 89-26934 Filed 11-15-89; 8:45 am]

BILLING CODE 7535-01-M

NATIONAL SCIENCE FOUNDATION

Task Force on Women, Minorities and the Handicapped in Science and Technology; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Task Force on December 7, 1989.

Name: Task Force on Women, Minorities and the Handicapped in Science and Technology.

Date: Thursday, December 7, 1989.

Time: 9:00 a.m. to 1:00 p.m.

Place: The Pentagon, Room 3E869, Washington, DC 20301.

Type of Meeting: Open

Purpose: Discussion of the issue of the final report.

Sue Kemnitzer,
Executive Director.

[FR Doc. 89-26913 Filed 11-15-89; 8:45 am]

BILLING CODE 7555-01-M

Science and Technology Centers Advisory Committee; Meeting

The National Science Foundation announces the following meeting:

Name: Science and Technology Research Centers Panel of the Advisory Committee for Science & Technology Centers.

Date and Time: December 5-6, 1989—8:30 a.m. to 5:00 p.m. each day.

Place: Room 533, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of meeting: Closed

Contact Person: William C. Harris, Director, Office of Science & Technology Centers Development (202) 357-9808, Room 533, National Science Foundation, Washington, DC 20550.

Minutes: May be obtained from the Contact Person at the above address.

Purpose of Meeting: To provide advice and recommendations concerning support for Science and Technology Research Centers.

Agenda: Review and evaluation of Science & Technology Research Centers Proposals as part of the selection process of awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 89-26912 Filed 11-15-89; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-315 and 50-316]

Indiana Michigan Power Co., Donald C. Cook Nuclear Plant, Units 1 & 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. DPR-58 and DPR-74, issued to Indiana Michigan Power Company (the licensee), for operations of the Donald C. Cook Nuclear Plant Units 1 and 2, located in Berrien County, Michigan.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the provisions in the Technical Specifications (TS) relating to Waste Gas Holdup System hydrogen and oxygen monitoring to allow part of the system to be inoperable while it is replaced.

The proposed action is in accordance with the licensee's application for amendment dated January 27, 1989.

The Need for the Proposed Action

The proposed change to the TS is required in order to allow a portion of the Waste Gas Holdup System Explosive Monitoring System to be inoperable for 160 days on a one-time basis so that it may be replaced. The amendment also would make some editorial changes.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to TS and concludes that the proposed change does not involve a significant hazards consideration. The staff has determined that the extended interval of time in which the oxygen and hydrogen monitor will be out of service for the replacement effort does not involve a significant increase in the probability or consequences of an accident, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential non-radiological impacts, the proposed change to the TS involves a change in the installation or use of a facility component located within the restricted area as defined by 10 CFR Part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed amendment.

Alternatives to the Proposed Action

Since the Commission concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternatives Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statements for the Donald C. Cook Nuclear Plant, dated August, 1973.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have significant effect on the quality of the human environment.

Accordingly, the Commission has determined not to prepare an environment statement for the proposed license amendment.

The Notice of Consideration of Issuance of Amendment and Opportunity for Prior Hearing in connection with this action was published in the *Federal Register* on August 18, 1989 (54 FR 34267). No request for hearing or petition for leave to intervene was filed following this notice.

For further details with respect to this action, see the application for amendment dated January 27, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the Maude Preston Polenske Memorial Library in St. Joseph, Michigan.

Dated at Rockville, Maryland, this 9th day of November, 1989.

For the Nuclear Regulatory Commission.

John F. Stang,

Acting Director, Project Directorate III-1
Division of Reactor Projects—III, IV, V and
Special Projects, Office of Nuclear Reactor
Regulation.

[FR Doc. 89-26970 Filed 11-15-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-433]

Environmental Assessment and Finding of No Significant Impact Regarding Termination of Facility Operating License No. R-124, University of California at Santa Barbara L-77 Research Reactor

The U.S. Regulatory Commission (the Commission) is considering issuance of an Order terminating Facility Operating

License No. R-124 for the University of California at Santa Barbara (UCSB) L-77 Research Reactor located in Santa Barbara, California, in accordance with the application dated September 9, 1985, as supplemented on November 20 and December 9, 1985, and March 24 and June 27, 1986.

Environmental Assessment

Identification of Proposed Action: By application dated September 9, 1985 as supplemented, the UCSB requested authorization to decontaminate and dismantle its L-77 Research Reactor Facility, to dispose of its component parts in accordance with the proposed dismantling plan, and to terminate Facility Operating License No. R-124. Following an "Order Authorizing Dismantling of Facility and Disposition of Component Parts," dated August 28, 1986, the UCSB completed the dismantlement and submitted a final survey report on January 5, 1987. Representatives of the Oak Ridge Associated Universities, (ORAU), under contract to NRC, conducted a survey of the facility on June 14 and 15, 1989. The survey is documented in an ORAU report "Confirmatory Radiological Survey of the L-77 Research Reactor Facility, University of California at Santa Barbara, Santa Barbara, California," M.R. Landis, September 1989, Region V, in a memorandum dated October 3, 1989, found that the ORAU report findings support that data developed in the licensee's final survey report.

Need for Proposed Action: In order to release the facility for unrestricted access and use, Facility Operating License No. R-124 must be terminated.

Environmental Impact of License Termination: The University of California at Santa Barbara, indicates that the residual contamination and dose exposures comply with the criteria of Regulatory Guide 1.86, Table 1, which establishes acceptable residual surface contamination levels, and the exposure limit, established by the NRC staff, of 5 micro R/hr above ground at one meter. These measurements have been verified by the NRC. The NRC finds that since these criteria have been met there is no significant impact on the environment and the facility can be released for unrestricted use.

Alternatives to the Proposed Action: Since the reactor and component parts have been dismantled and disposed of in accordance with NRC regulations and guidelines, there is no alternative to termination of Facility Operating License No. R-124.

Agencies and Persons Consulted: Personnel from the Radiological Site

Assessment Program, Oak Ridge Associated Universities (an NRC contractor) assisted Region V in the conduct of the Termination Survey for the University of California at Santa Barbara, L-77 Research Reactor Facility.

Finding of no significant impact

The Commission has determined not to prepare an Environmental Impact Statement for the proposed action. Based on the foregoing Environmental Assessment, the Commission has concluded that the issuance of the Order will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the application for termination of Facility Operating License No. R-124, dated September 9, 1985, as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555.

Dated at Rockville, Maryland this 8th day of November 1989.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactor,
Decommissioning and Environmental Project
Directorate, Division of Reactor Projects—III,
IV, V and Special Projects Office of Nuclear
Reactor Regulation.

[FR Doc. 89-26964 Filed 11-15-89; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

November 8, 1989.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Franklin Multi Income Trust
Shares of Beneficial Interest, \$.01 Par Value
(File No. 7-5486)
Hibernia Corporation
Class A Voting Common Stock, Without
Par Value (File No. 7-5487)
Spelling Entertainment, Inc.
Common Stock, No Par Value (File No. 7-
5488)
Tandy Brands, Inc.
Common Stock, \$1.00 Par Value (File No. 7-
5489)

Precision Castparts Corp.
Common Stock, Without Par Value (File No. 7-5490)
Putnam Investment Grade Municipal Trust
Shares of Beneficial Interest, Without Par Value (File No. 7-5491)
Mitsubishi Bank, Ltd.
American Depositary Shares, 50 Yen Par Value (File No. 7-5492)
Crawford & Co.
Common Stock, \$1.00 Par Value (File No. 7-5493)
Johnson Products
Common Stock, \$.50 Par Value (File No. 7-5494)
Dreyfus Municipal Income, Inc.
Common Stock, \$.001 Par Value (File No. 7-5495)
Muni Insured Fund, Inc.
Common Stock, \$.10 Par Value (File No. 7-5496)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 1, 1989, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 89-26957 Filed 11-15-89; 8:45 am]
BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 2389]

Alaska; Declaration of Disaster Loan Area

Anchorage Borough and the contiguous Boroughs of Kenai Peninsula, Matanuska-Susitna, and Valdez-Cordova in the State of Alaska constitute a disaster area as a result of damages caused by flooding which began on August 25 and ended on or about October 30, 1989. Applications for loans for physical damage may be filed until the close of business on January 11, 1990 and for economic injury until the close of business on August 9, 1990 at

the address listed below: Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, California 95853-4795, or other locally announced locations.

The interest rates are:

For physical damage	Percent
Homeowners with credit available elsewhere.....	8.000
Homeowners without credit available elsewhere.....	4.000
Businesses with credit available elsewhere.....	8.000
Businesses and non-profit organizations without credit available elsewhere.....	4.000
Others (including non-profit organizations) with credit available elsewhere.....	9.250
For Economic Injury	
Businesses and small agricultural cooperatives without credit available elsewhere.....	4.000

The number assigned to this disaster for physical damage for the State of Alaska is 238906, and for economic injury the number is 687200.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: November 9, 1989.

Susan Engeleiter,
Administrator.

[FR Doc. 89-26940 Filed 11-15-89; 8:45 am]
BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2387; Amdt. 1]

Declaration of Disaster Loan Area; California

The above-numbered Declaration is hereby amended in accordance with the Notice of Amendment to the President's declaration, dated October 27, 1989, to include the Counties of Contra Costa and Marin as a disaster area as a result of damages caused by an earthquake which occurred on October 17, 1989.

In addition, applications for economic injury from small businesses located in the contiguous counties of Sacramento, Solano, and Sonoma in California until the specified date at the previously designated location.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

All other information remains the same; i.e., the termination date for filing applications for physical damage is the close of business on December 18, 1989, and for economic injury until the close of business on July 18, 1990.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: October 30, 1989.

Alfred E. Judd,

Acting Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-26941 Filed 11-15-89; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2388]

Kentucky; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on October 30, 1989, I find that the Counties of Clay, Floyd, Jackson, Knott, Leslie, Letcher, Magoffin, Owsley, Perry, and Pike in the State of Kentucky, constitute a disaster area as a result of damages caused by severe storms, flooding, and mudslides on October 16-18, 1989. Applications for loans for physical damage may be filed until the close of business on December 29, 1989, and for economic injury until the close of business on July 30, 1990, at the address listed below: Disaster Area 2 Office, Small Business Administration, 120 Ralph McGill Blvd., 14th Floor, Atlanta, GA 30308, or other locally announced locations. In addition, applications for economic injury from small businesses located in the contiguous counties of Bell, Breathitt, Estill, Harlan, Johnson, Knox, Laurel, Lee, Madison, Martin, Morgan, Rockcastle, and Wolfe in the State of Kentucky; Buchanan, Dickerson, and Wise Counties in the State of Virginia, and Mingo County in the State of West Virginia may be filed until the specified date at the above location.

The interest rates are:

For physical damage	Percent
Homeowners with credit available elsewhere.....	8.000
Homeowners without credit available elsewhere.....	4.000
Businesses with credit available elsewhere.....	8.000
Businesses and non-profit organizations without credit available elsewhere.....	4.000
Others (including non-profit organizations) with credit available elsewhere.....	9.25
For Economic Injury	
Businesses and small agricultural cooperatives without credit available elsewhere.....	4.000

The number assigned to this disaster for physical damage for the State of Kentucky is 238806, and for economic injury the number is 686900. In Virginia, the economic injury number is 687000 and in West Virginia the economic injury number is 687100.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: November 2, 1989.

Bernard Kulik,
Deputy Associate Administrator for Disaster Assistance.

[FR Doc. 89-26942 Filed 11-15-89; 8:45 am]

BILLING CODE 6025-01-M

[Declaration of Disaster Loan Area No. 6908; Amdt. 1]

Washington; Declaration of Disaster Loan Area

The Counties of Grays Harbor and King contiguous counties of Kitsap, Kittitas, Lewis, Mason, Pacific, Pierce, Thurston, and Yakima in the State of Washington, constitute an Economic Injury Disaster Loan Area as a result of damage from the oil spill in Alaska's Prince William Sound area, which occurred on March 24, 1989. All other information remains the same; i.e., the termination date for filing applications for eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere is the close of business on May 2, 1990 at the address listed below: Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, California 95853-4795, or other locally announced locations.

Any counties contiguous to the above-named primary counties and not listed herein have previously been named as contiguous or primary counties for the same occurrence.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: October 31, 1989.

Susan Engeleiter,
Administrator.

[FR Doc. 89-26943 Filed 11-15-89; 8:45 am]

BILLING CODE 6025-01-M

[Declaration of Disaster Loan Area No. 6968]

Washington; Declaration of Disaster Loan Area

The Okanogan County and the contiguous counties of Chelan, Douglas, Ferry, Grant, Lincoln, Skagit, and Whatcom in the State of Washington, constitute an Economic Injury Disaster Loan Area as a result of damages resulting from the closure of the North Cascades Highway (State Route 20) as a result of a rock slide which occurred on August 16, 1989.

Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit

available elsewhere may file applications for economic injury assistance until the close of business on July 31, 1990, at the address listed below: Disaster Area 3 Office, Small Business Administration, P.O. Box 13795, Sacramento, CA 95853-4795 or other locally announced locations. The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: October 31, 1989.

Susan Engeleiter,
Administrator.

[FR Doc. 26944 Filed 11-15-89; 8:45 am]

BILLING CODE 6025-01-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980, as Amended by Public Law 99-591; Information Collection Under Review by the Office of Management and Budget (OMB)

AGENCY: Tennessee Valley Authority.

ACTION: Information collection under review by the Office of Management and Budget (OMB).

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), as amended by Pub. L. 99-591.

Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Desk Officer for the Tennessee Valley Authority, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; Telephone: (202) 395-3084.

Agency Clearance Officer: Mark R. Winter, Tennessee Valley Authority, Edney Building 4W 13B, Chattanooga, TN 37402; (615) 751-2523.

Type of Request: Regular submission.
Title of Information Collection: TVA's Procurement Format including Invitation to Bid, Request for Proposal, Request for Quotation, and other related procurement documents.

Frequency of Use: On occasion.

Type of Affected Public: Businesses or other for-profit, and small businesses or organizations.

Small Businesses or Organizations Affected: Yes.

Federal Budget Functional Category Code: 999.

Estimated Number of Annual Responses: 174,000.

Estimated Total Annual Burden Hours: 162,342.

Estimated Average Burden Hours Per Response: .933.

Need For and Use of Information: TVA must procure equipment, materials, and services to fulfill its statutory obligations. This activity must be conducted in compliance with a variety of applicable laws, regulations, and Executive Orders. Vendors or purchasers who voluntarily see to contract with TVA are affected.

Louis S. Grande,

Vice President, Information Services, Senior Agency Official.

[FR Doc. 89-26953 Filed 11-15-89; 8:45 am]

BILLING CODE 8120-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

President's Commission on Aviation Security and Terrorism; Closed Meeting

AGENCY: Department of Transportation, Office of the Secretary.

ACTION: Notice of closed meeting of the President's Commission on Aviation Security and Terrorism.

SUMMARY: As previously announced, the President's Commission on Aviation Security and Terrorism will be holding its first public hearing. Before this first public hearing the Commission will meet in closed session to discuss matters relating to Commission organization, personnel, and related matters.

DATE: Friday, November 17, 1989, 9 a.m. et.

ADDRESS: Reserve Officers Association, Executive Library, Fourth Floor, One Constitution Avenue, NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Robert I. Ross, Commission on Aviation Security and Terrorism, 1825 K Street, NW., Suite 519, Washington, DC 20036, (202) 254-3166, FAX (202) 254-3359.

SUPPLEMENTARY INFORMATION: Prior notice of the public portion of the Commission's hearing has already been provided. (November 2, 1989; 54 FR 46316). In accordance with section 10 of the Federal Advisory Committee Act, the executive session before the public hearing will be closed to the public because matters will be discussed that

come within the following provisions of 5 USC 552b(c): (1) Classified national security information; (2) internal personnel rules and practices of the Commission; and (3) matters exempt from mandatory disclosure by statute, namely Section 316, Federal Aviation Act of 1958, as amended.

Issued in Washington, DC on November 8, 1989.

Harry R. Van Cleave,
Commission General Counsel.

[FR Doc. 89-26898 Filed 11-15-89; 8:45 am]

BILLING CODE 4910-82-M

Coast Guard

Ninth Coast Guard District Industry Day; Meeting

AGENCY: U.S. Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: On 31 January 1990, the Commander, Ninth Coast Guard District, will sponsor an Industry Day program to provide for an open exchange on matters of mutual interest or concern to the Great Lakes marine community and the Coast Guard. The Industry Day activities will be held at the Coast Guard Officers' Club, which is adjacent to the Coast Guard Marine Safety Office, 1055 East Ninth Street, Cleveland, Ohio.

The schedule of events for Industry Day is:

8:00 a.m., Registration
9:00 a.m., Industry Day Presentation
11:30 a.m., "No Host" Buffet Luncheon
1:00 p.m., Industry Day Presentations continue
4:00 p.m., Industry Day concludes
4:00-6:30 p.m., "No Host" social hour in the Officers' Club.

Advance registration and payment of the \$15.00 conference fee (which includes the cost of the luncheon and social hour) is required. Persons desiring registration forms or additional information on the Industry Day activities should contact the personnel named below.

Recommendations for discussion topics will be considered in developing the final agenda. Such recommendations must be submitted in writing to the address listed below. All registration forms and recommendations must be received by 17 January 1990.

FOR FURTHER INFORMATION CONTACT: CDR R.D. Arnett or Ms. Michelle Mavracic, Commander(m), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, Ohio 44199-2060, telephone: Commercial (216) 522-3994, FTS 942-3994.

Dated: November 3, 1989.

D.H. Ramsden,
Captain, U.S. Coast Guard, Commander,
Ninth Coast Guard District, Acting.
[FR Doc. 89-26918 Filed 11-15-89; 8:45 am]
BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Surry County, NC

AGENCY: Federal Highway Administration (FHWA).

ACTION: Rescind notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will not be prepared for a proposed highway project in Surry County, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Roy C. Shelton, District Engineer, Federal Highway Administration, 4505 Falls of the Neuse Road, P.O. Box 26806, Raleigh, North Carolina 27611, Telephone (919) 790-2852.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare an Environmental Impact Statement (EIS) for a proposed highway connection from US-52 to I-77 in Surry County, North Carolina, was issued on June 23, 1988 and published in the July 13, 1988 Federal Register. The FHWA has since been advised by the North Carolina Department of Transportation the proposed action will be advanced as a State funded project and will not require an EIS. As a result, the previous Notice of Intent is hereby rescinded.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: November 8, 1989.

Roy C. Shelton,
District Engineer, FHWA, Raleigh, North Carolina.
[FR Doc. 89-26951 Filed 11-15-89; 8:45 am]
BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

[Docket No. IP 89-09; Notice 1]

Receipt of Petition for Determination of Inconsequential Noncompliance; Hella, Inc.

Hella, Inc. of Cranford, New Jersey, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle

Safety Act (15 U.S.C. 1381 et seq.) for an apparent noncompliance with 49 CFR 571.108, Federal Motor Vehicle Safety Standard (FMVSS) No. 108, "Lamps, Reflective Devices, and Associated Equipment" on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Standard No. 108 requires that taillamps be designed to conform to the requirements of the Society of Automotive Engineers' Standard J585e, September 1977, "Tail Lamps (Rear Position Lamps)", which specifies that a tail lamp shall not exceed a designated maximum candlepower at night over any area larger than that generated by a ¼ degree radius, within a solid cone angle from 20L to 20R and from H to 10U. The maximum candela permitted for the single compartment lamps as those produced by Hella is 18 candela at H (the horizontal) or above.

Hella imported approximately 109,000 combination stop/tail lamps which exceed the maximum limit of 18 candlepower for taillamp function on or above the horizontal. Hella supports its petition with the following four arguments:

"1. The subject rear combination lamps were designed to conform to FMVSS 108."

"2. The excess taillamps values above the horizontal do not compromise motor vehicle safety." Hella submitted that industry experience and supporting studies have established that "the human eye, in the vast majority of cases, cannot detect a change in luminance [sic] unless it is more than a 25 percent increase or decrease (SAE Recommended Practice J576, footnote 1)." Of the eight lamps tested that exceeded the maximum intensity, one exceeded this maximum by 3.6 candela (20%), one by 1.5 candela (8.3%) and the remainder by less than 1.3 candela (7.2%).

"3. The luminous intensity does not present a safety hazard because of glare." Hella argued that NHTSA pointed out in Docket 78-08, Notice 2, amending FMVSS 108, the "current ratio of candlepower output by stop and taillamps in combination lamps (must) be maintained at test points above the horizontal and extended to test points below the horizontal to minimize problems of glare." [44 FR 75385]. In that rulemaking, the petitioner, Truck Safety Equipment Institute, had argued, "that there must be countless driving situations every day where the following driver is exposed to lamp candlepower outputs from approximately 15 cp to 22 cp [sic] without any evidence of hazardous driving conditions because of glare."

"4. The record confirms that the subject noncompliance presents no threat to motor vehicle safety." Hella is not aware of any complaints, accidents or injuries related to the subject products' exceeding the maximum limit of 18 candlepower for the taillamp function on or above the horizontal.

Interested persons are invited to submit written data, views and arguments on the petition of Hella, described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested that five copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the *Federal Register* pursuant to the authority indicated below.

Comment closing date: December 18, 1989.

(15 U.S.C. 1417; delegations of authority at 49 CFR 1.50 and 49 CFR 501.8).

Issued on: November 9, 1989.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 89-26899 Filed 11-15-89; 8:45 am]

BILLING CODE 4910-59-M

Maritime Administration

[Docket S-854]

Lykes Bros. Steamship Co., Ltd.; Application for Authorization To Permit a Reciprocal Space Charter and Coordinated Sailing Agreement With a Foreign Carrier

By application of October 17, 1989, Lykes Bros. Steamship Co., Inc. (Lykes) requests the Maritime Administration's authority to the extent required to effect a Reciprocal Space Charter and Coordinated Sailing Agreement (Agreement) with Deppe Linie GmbH & Co. (Deppe), a foreign carrier.

The trade covered by the Agreement is that between the U.S. gulf and east coast and north Europe. Lykes presently operates five vessels (four Express Class subsidized container vessels and one unsubsidized RO/RO vessel) and Lykes states that Deppe operates three foreign-flag container vessels in the trade. Lykes claims that the trade is generally overtonnaged at this time, and announced new building projects of several other carriers are expected to

aggravate the overtonnaging. If the Agreement is permitted to become effective, Lykes states that it and Deppe will each remove one vessel from the trade, thus reducing from eight to six the total number of vessels operated in the trade by these parties.

Lykes expects that this reduction will not only alleviate the general overtonnaging in the trade but it will also materially increase, particularly during seasonal downturns, the utilization of the Lykes' vessels remaining in the trade.

Further, Lykes contends that the rationalization of schedules and itineraries authorized by the Agreement will improve Lykes present seven-day service frequency and Deppe's fortnightly service frequency to a coordinated six-day service frequency. Lykes claims that this six-day service would be the best offered by any carrier now in the trade and is expected to result in an improvement of Lykes' competitive position.

Lykes understands that if Deppe cannot coordinate sailings under this Agreement or under agreement with some carrier other than Lykes, Deppe will, in order to maintain a viable, competitive service, likely add vessels to the trade in addition to its present three and only worsen the overtonnaging referred to above and thus adversely affecting Lykes, as well as other carriers in the trade.

Lykes believes that the advantages to be gained by the Agreement—improved vessel utilization, reduced operating costs by elimination of a vessel in the trade, and improved competitive position by reason of improved service frequency—will strengthen Lykes' Line B service. Lykes cannot foresee any adverse impact from the Agreement; rather, the Agreement will, in Lykes view, benefit the trade generally by a reduction of the present overtonnaging in the trade which should result in increased trade stability.

Section 804(a) of the Act provides that "it shall be unlawful for any contractor receiving operating-differential subsidy under title VI . . . to own, charter, act as agent or broker for, or operate any foreign-flag vessel which competes with any American-flag service determined by the Secretary of Transportation to be essential as provided in section 211 of this Act." Section 804(b) states that this provision may be waived by the Secretary under special circumstances and for good cause shown.

Other U.S.-flag competitors advertise service in the range covered by the Agreement. For this reason, the Maritime Administration is publishing

this *Federal Register* notice as a matter of discretion.

This application may be inspected in the Office of the Secretary, Maritime Administration. Any person, firm, or corporation having any interest in such request within the meaning of section 804 of the Merchant Marine Act, 1936, as amended, and desiring to submit comments concerning the application must file written comments in triplicate with the Secretary, Maritime Administration, Room 7300, Nassif Building, 400 Seventh Street SW., Washington, DC 20590. Comments must be received no later than 5:00 p.m. on Nov. 29, 1989. This notice is published as a matter of discretion and publication should in no way be considered a favorable or unfavorable decision on the application, as filed or as may be amended. The Maritime Administrator will consider any comments submitted and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 20.804, (Operating-Differential Subsidies))

By Order of the Maritime Administrator.

Dated: November 9, 1989.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 89-26879 Filed 11-15-89; 8:45 am]

BILLING CODE 4910-81-M

UNITED STATES INFORMATION AGENCY

Meeting of the Cultural Advisory Committee

The Cultural Property Advisory Committee will meet on December 1, 1989, from 9:00 a.m. to approximately 4 p.m. at USIA headquarters, 301 4th Street, SW., Washington, DC. The meeting's agenda will consist of the review of an emergency request from the Government of Guatemala for U.S. import restrictions on certain of its archaeological materials. Discussion will focus on whether Guatemala's request meets the criteria of the Convention on Cultural Property Implementation Act (Act) and whether the Committee should recommend that U.S. import restrictions be imposed on material described in Guatemala's request.

The Committee's meeting shall be closed to the public for it will involve the review of Guatemala's request and discussion of information which, if disclosed prematurely, would be likely to frustrate significantly the implementation of proposed U.S. Government actions and policies. Public

disclosure of information at this time identifying specific endangered cultural property is likely to frustrate the possible imposition of import restrictions on such cultural property. The Committee will discuss recommendations to the President as to appropriate U.S. action regarding Guatemala's request under the terms of the Act. For the foregoing reasons the closing of the meeting is authorized under 5 U.S.C. 552b(c)(9)(B), and 19 U.S.C. 2805(h).

Dated: November 7, 1989.

Eugene P. Kopp,

Acting Director, United States Information Agency.

Determination to Close Meeting of the Cultural Property Advisory Committee
December 1, 1989.

U.S. INFORMATION AGENCY

The Committee's meeting of December 1, 1989 will involve discussion of investigative techniques and procedures for the handling of a State Party request of the Government of Guatemala. There will be discussion of information, the premature disclosure of which would be likely to frustrate significantly implementation of proposed U.S.G. actions and policies and possibly compromise future U.S.G. negotiating objectives.

Based on information provided to me by the Cultural Property Advisory Committee, I hereby determine that the meeting of the

Committee on December 1, 1989, shall be closed to the public in accordance with the 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2805(h).

Dated: November 7, 1989.

Eugene P. Kopp,

Acting Director, United States Information Agency.

[FR Doc. 89-26975 Filed 11-15-89; 8:45 am]

BILLING CODE 8230-01-M

Meeting of Advisory Board for Radio Broadcasting to Cuba

The Advisory Board for Radio Broadcasting to Cuba will conduct a meeting on November 28, 1989, in Room 3557, 400 Sixth Street, SW., Washington, DC. Below is the intended agenda.

Tuesday, November 28, 1989

Part One—Closed to the Public

10:30 a.m.

1. Report by the Director of Radio Marti

11:15 a.m.

2. TV Marti

12:00 noon

3. Role of executive director

Part Two—Open to the Public

12:30 p.m.

4. Public testimony period

Items one through three, which will be discussed from 10:30 a.m. to 12:15 p.m.,

will be closed to the public. Items one and two involve discussion of classified information. Closing such deliberations to the public is justified under 5 U.S.C. 552b(c)(1). Item three relates solely to internal personnel rules and practices. Authority for closing such deliberations is provided by 5 U.S.C. 552b(c)(2).

Members of the public interested in attending the meeting should contact James Skinner at (202) 485-6312 to make prior arrangements, as access to the building is controlled.

Dated: November 8, 1989.

Eugene P. Kopp,

Acting Director.

Determination to Close Portions of Advisory Board Meeting of November 28, 1989

Based on information provided to me by the Advisory Board for Radio Broadcasting to Cuba, I hereby determine that the 10:30 a.m. to 12:15 p.m. portion of the meeting may be closed to the public.

The Advisory Board has requested that this part of the November 28, 1989 meeting be closed because it will involve a discussion of classified information (5 U.S.C. 552b(c)(1)) and of matters which relate solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c)(2)).

Dated: November 8, 1989.

Eugene P. Kopp,

Acting Director.

[FR Doc. 89-26976 Filed 11-15-89; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 54, No. 220

Thursday, November 16, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

STATE JUSTICE INSTITUTE

TIME AND DATE: 9:00 a.m. to 5:00 p.m.,
December 2, 1989.

PLACE: Doubletree Hotel, 901 Camino
del Rio, South, San Diego, California.

STATUS: The meeting will be open to the public, except for personnel matters.

MATTERS TO BE CONSIDERED:

Portions Open to the Public

Consideration of applications submitted for funding; SJI FY 1991 budget submission to Congress.

Portions Closed to the Public

Discussion of internal personnel matters.

CONTACT PERSON FOR MORE

INFORMATION: David I. Tevelin,
Executive Director, State Justice
Institute, 120 South Fairfax Street,
Alexandria, Virginia 22314, (703) 684-
6100.

David I. Tevelin

Executive Director.

[FR Doc. 89-27032 Filed 11-13-89; 8:45 am]

BILLING CODE 5520-SC-M

Corrections

Federal Register

Vol. 54, No. 220

Thursday, November 16, 1989

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 101

[FPMR Temp. Reg. A-33, Supp. 1]

Federal and State Tax Tables To Be Used for Calculating 1989 Relocation Income Tax (RIT) Allowance Payments

Correction

In rule document 89-23459 appearing on page 41244 in the issue of Friday, October 6, 1989, make the following correction:

On page 41244, in the second column, under **SUMMARY**, in the sixth line, remove the "5" after "B, and C".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

48 CFR Part 342

Acquisition Regulation; Miscellaneous Amendments

Correction

In rule document 89-25427 beginning on page 43965 in the issue of Monday, October 30, 1989, make the following corrections:

342.7002 [Corrected]

1. On page 43966, in the second

column, in § 342.7002(g)(e), in the fifth line, "financing" should read "Financing".

2. On the same page, in the same column, in the same paragraph, in the 12th line, "of" should read "or".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 314

[Docket No. 89N-0118]

Proposed Technical Revision in the Regulations Governing Drug Master File Submissions

Correction

In proposed rule document 89-24430 beginning on page 42515 in the issue of Tuesday, October 17, 1989, make the following correction:

On page 42515, in the third column, under **SUPPLEMENTARY INFORMATION**, in the ninth line, "of the" should read "or to".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1020

[Docket No. 82N-0274]

Federal Performance Standard for Diagnostic X-Ray Systems and Their Major Components

Correction

In proposed rule document 89-24366

beginning on page 42674 in the issue of Tuesday, October 17, 1989, make the following correction:

§ 1020.30 [Corrected]

On page 42685, in the third column, in paragraph (g)(2), in the eighth line, "high-voltage" was misspelled.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-43-7122-08-DO63; CACA 23486]

Proposed Withdrawal and Opportunity for Public Meeting; California

Correction

In notice document 89-24181 beginning on page 42053 in the issue of Friday, October 13, 1989, make the following corrections:

1. On page 42053, in the second column, under **DATE**, in the third line, "January 11, 1989" should read "January 11, 1990".

2. On the same page, in the same column, under Mount Diablo Meridian, in the 19th line, remove "NE ¼".

3. On the same page, in the third column, under San Bernadino Meridian, in the fourth line, insert "N." following "T.12".

4. On page 42054, in the first column, in the 29th line from the bottom, "lot of 2" should read "lot 2 of".

BILLING CODE 1505-01-D

Federal Register

Thursday
November 16, 1989

Part II

Department of Justice

Bureau of Prisons

28 CFR Part 551

Control, Custody, Care, Treatment and Instruction of Inmates; Smoking/No Smoking Areas; Final Rule

DEPARTMENT OF JUSTICE

Bureau of Prisons

23 CFR Part 551

Control, Custody, Care Treatment and Instruction of Inmates; Smoking/No Smoking Areas

AGENCY: Bureau of Prisons, Justice.

ACTION: Final rule.

SUMMARY: In this document the Bureau of Prisons is amending its regulations on Smoking/No Smoking Areas within its institutions and offices. The amendment requires Chief Executive Officers to designate by the placement of signs each area that may be used as a smoking area. The absence of a sign shall be interpreted as indicating a no smoking area. This amendment is intended to provide for a clean air environment and to protect the health and safety of staff and inmates.

DATES: Effective January 1, 1990. Bureau Chief Executive Officers may request up to a six month extension for compliance.

ADDRESS: Office of General Counsel, Bureau of Prisons, Room 760, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 724-3062.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is amending its regulations on Smoking/No Smoking Areas. This amendment restricts the areas where smoking is permitted and changes the presumption, in the absence of a sign, from smoking to no smoking. A proposed rule on this subject was published in the *Federal Register* August 17, 1989 (54 FR 34094). A summary and response to the submitted comments follows.

The majority of the commenters expressed approval of the requirements in the proposed rule. Several commenters suggested further requirements for accommodating nonsmokers. A commenter suggested that each institution be required to identify whole units as no smoking areas. Another commenter stated that, in his opinion, the rule failed to address those nonsmoking inmates who live in a dormitory type setting. Section 551.162 states that, to the extent practicable, Chief Executive Officers shall accommodate nonsmoking inmates in nonsmoking living quarters and that the sharing of a cell or *living area* (emphasis added) between a smoker and a nonsmoker will be avoided except where impractical. Implementing guidelines provide further clarification. The guidelines state that in institutions

with common living areas for large number of inmates, living facilities will be separated into smoking and nonsmoking areas sufficient to accommodate all nonsmokers, and, where practical, separate dormitories should be provided for nonsmoking inmates desiring such housing. A commenter objects to the phrase "to the extent practicable" in § 551.162(b), and recommends that it be replaced with more definite language to provide mandatory "no smoking" living quarters in each institution. We believe the existing language is sufficient. Ordinarily, accommodation will be made for nonsmoking inmates, but there may be circumstances beyond the control of the Bureau of Prisons (e.g., increased prison population) which would make such separation not practicable. For similar reasons, it currently may not be possible to always prevent secondary inhalation by nonsmokers of smoke originating from a designated smoking area.

Several commenters raised questions about restrictions on smoking in specific areas. Commenters who were in favor of restrictions pointed out locations (e.g., television, rooms, restrooms, inmate law libraries, and visiting rooms) in which smoking by other inmates was particularly objectionable to them. Section 551.160(b) clearly identifies libraries and restrooms as ordinarily being nonsmoking areas. Designations of smoking areas in television rooms and visiting rooms will be made at the discretion of the Chief Executive Officer. A commenter recommended that smoking be allowed only in private cells and outdoors. We believe that adequate provision can be made to allow for smoking in additional designated indoor areas. Commenters who were in favor of smoking requested that the rule make it clear that inmates have the right to smoke in their own cells and that provision for smoking areas applies to administrative detention units. Section 551.162 allows for the Chief Executive Officer to designate smoking areas for inmates restricted to an area (such as a cell or administrative detention unit) for an extended period of time. Inmates who object to a specific area's designation can file a complaint under the Administrative Remedy Procedure.

A commenter suggests that sales of all tobacco products in institution commissaries be discontinued. We believe this is not now necessary, as persons who elect to smoke are permitted to do so in designated smoking areas. A commenter suggests that the Bureau contract with organizations which offer programs designed to help people quit smoking.

Where there is sufficient interest and resources available in the institution, Bureau staff will consider establishing or contracting for programs to help inmates quit smoking.

Several commenters question whether the restrictions on smoking will be properly enforced and/or that the enforcement of such policy may cause tension within an institution. One commenter questions whether Bureau staff who themselves smoke can be expected to enforce the policy. Restrictions on smoking within institutions apply equally to Bureau staff. Furthermore, Bureau staff are trained, and expected, to enforce Bureau policy in an objective manner. We believe that the present amendment, with its presumption of no smoking and consequent focus on the designation of appropriate smoking areas, will also simplify the enforcement process. While there is a possibility that restricting smoking to designated areas may temporarily increase tension, we believe that any such occurrence will be short-lived as the smoking areas become identifiable and resources are made available to help interested persons quit smoking. One commenter suggested that the policy be enforced through the issuance of "tickets" or by summary ejection from the nonsmoking area. We believe that existing Bureau disciplinary procedures, which contain provision to protect inmate rights, are adequate for the enforcement of this policy.

In publishing this final rule, the Bureau is making two minor changes to the regulatory text. In § 551.160(b), the phrase "to the minimum possible" replaces the phrase "to a minimum number of locations," and in § 551.160(a) the phrase "as a smoking area" replaces the phrase "as smoking areas". The revised phrases more accurately characterize how areas can be designated, and were inadvertently changed when published in the proposed rule.

This regulation becomes effective January 1, 1990. Where special implementation problems exist, the Director of the Bureau, upon written request from a Chief Executive Officer, may allow up to a six month extension for compliance.

The Bureau of Prisons has determined that this rule is not a major rule for the purpose of EO 12291. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96-354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 551**Prisoners.**

In consideration of the foregoing, part 551 in subchapter C of 28 CFR, chapter V is amended as set forth below.

G.L. Ingram,

Acting Director, Bureau of Prisons.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT**PART 551—MISCELLANEOUS**

1. In part 551, subpart N is revised to read as follows:

Subpart N—Smoking/No Smoking Areas**Sec.**

551.160 Purpose and scope.

551.161 Definition.

551.162 Designated smoking areas.

551.163 Notice of smoking areas.

Subpart N—Smoking/No Smoking Areas

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed as to conduct occurring on or after November 1, 1987), 5015, 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

§ 551.160 Purpose and scope.

To advance towards becoming a clean air environment and to protect the health and safety of staff and inmates, the Bureau of Prisons will restrict areas

and circumstances in which smoking is permitted within its institutions and offices.

(a) All areas of Bureau of Prisons facilities and vehicles are no smoking areas unless specifically designated as smoking areas by the Chief Executive Officer consistent with the guidelines set forth in this rule.

(b) Chief Executive Officers shall limit smoking areas to the minimum possible consistent with effective operations. Under no circumstances shall smoking be permitted in the following areas, except as noted in § 551.162(a):

- (1) Elevators,
- (2) Storage Rooms and Warehouses,
- (3) Libraries,
- (4) Corridors and Halls,
- (5) Dining Facilities,
- (6) Kitchen and Food Preparation Areas,
- (7) Medical/Dental Care Delivery Areas,
- (8) Institution/Government Vehicles,
- (9) Administrative Areas and Offices,
- (10) Auditoriums,
- (11) Class and Conference Rooms,
- (12) Gymnasiums and Exercise Rooms, and
- (13) Restrooms.

§ 551.161 Definition.

For purpose of this rule, smoking is defined as carrying or inhaling a lighted

cigar, cigarette, pipe or other lighted tobacco products.

§ 551.162 Designated smoking areas.

(a) Chief Executive Officers shall identify "smoking areas" for staff and inmates, especially those who may be employed in, or restricted to, a nonsmoking area for an extended time.

(b) To the extent practicable, Chief Executive Officers shall accommodate nonsmoking inmates in nonsmoking living quarters. The sharing of a cell or living area between a smoker and a nonsmoker will be avoided except where impractical due to circumstances, and then may be done only for limited duration.

§ 551.163 Notice of smoking areas.

The Chief Executive Officer shall ensure that smoking areas are clearly identified for staff and inmates by the appropriate placement of signs. The *absence* of a sign shall be interpreted as indicating a no smoking area. Appropriate disciplinary action will be taken for failure to observe smoking restrictions.

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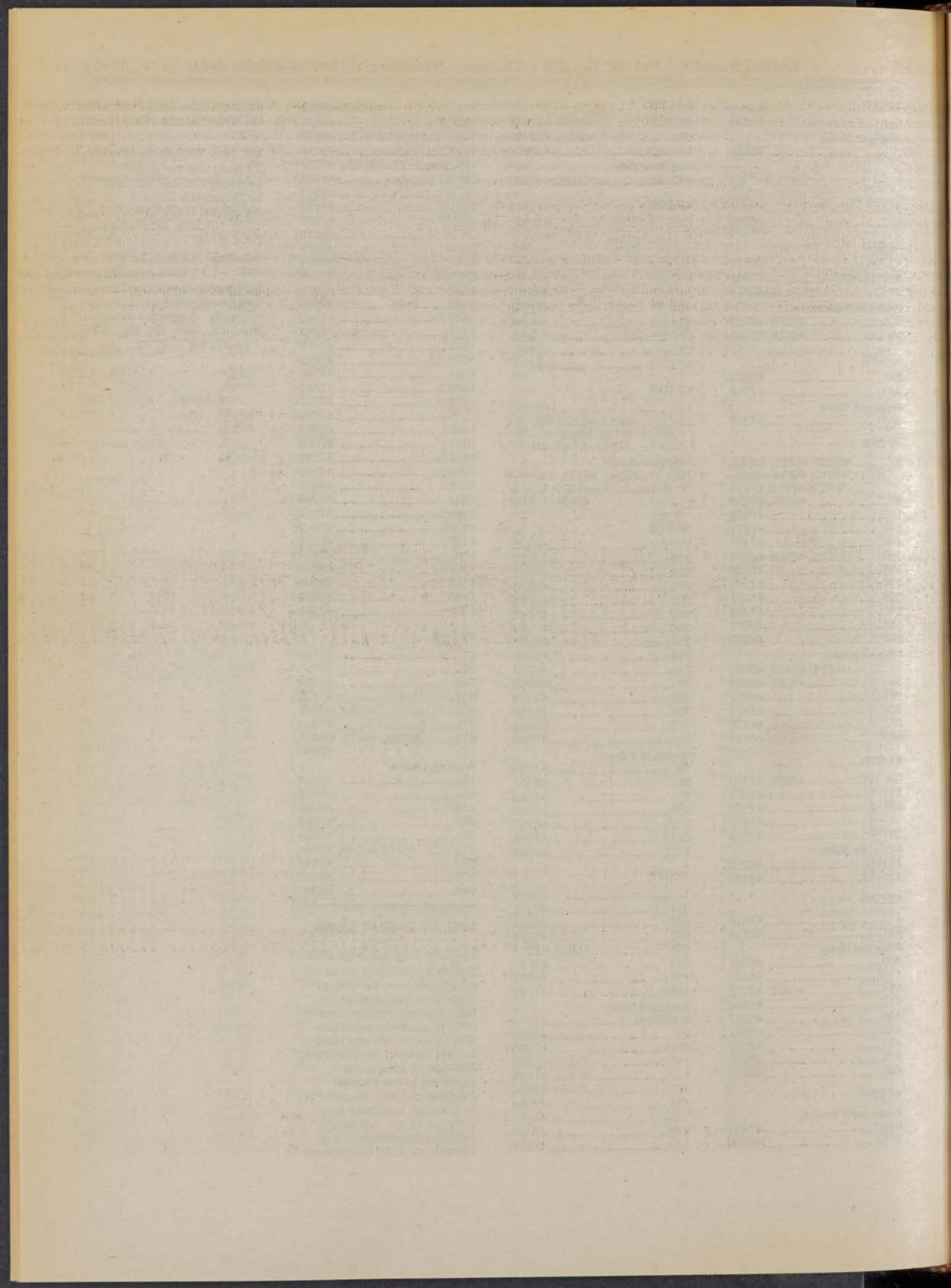
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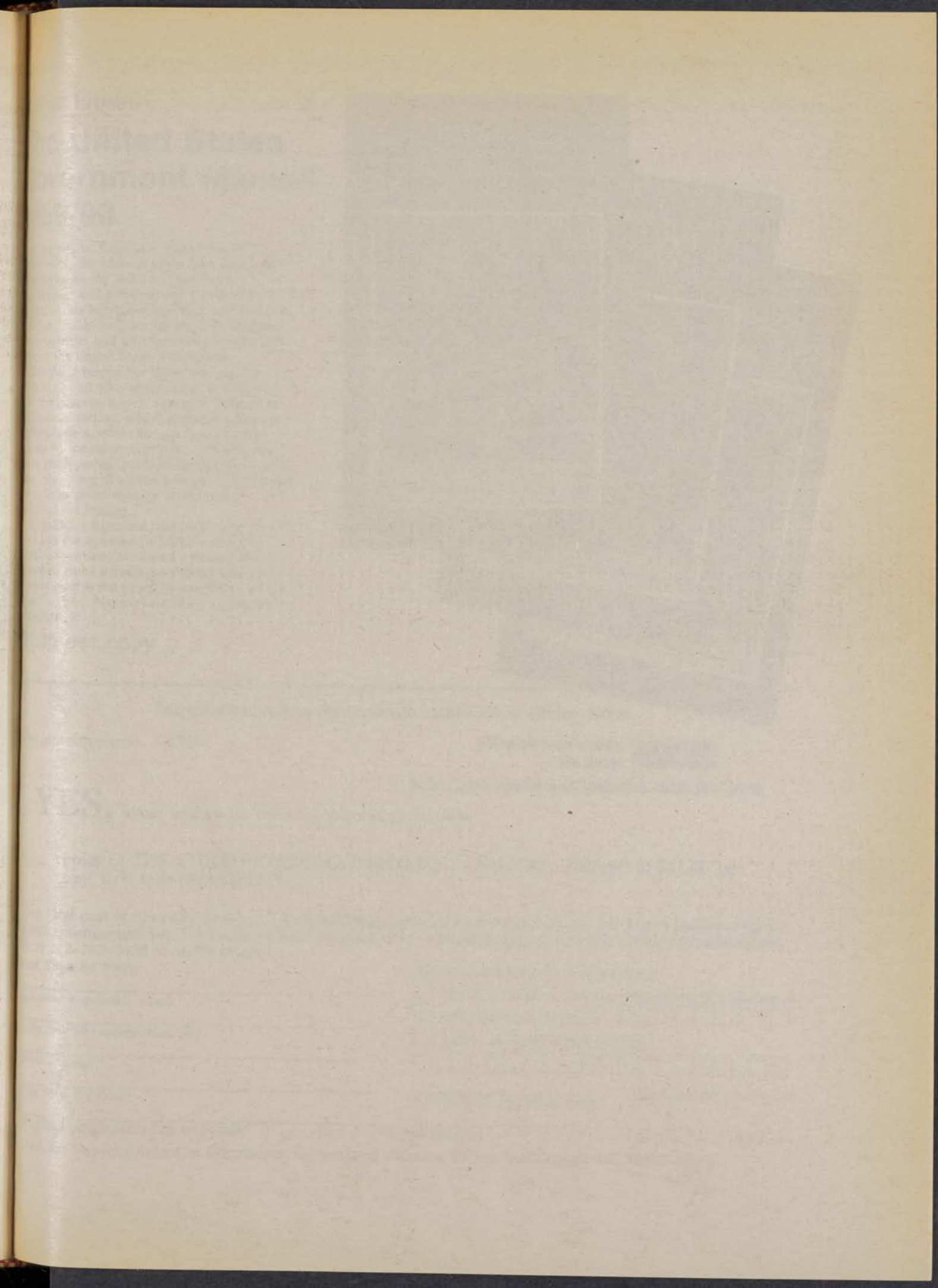
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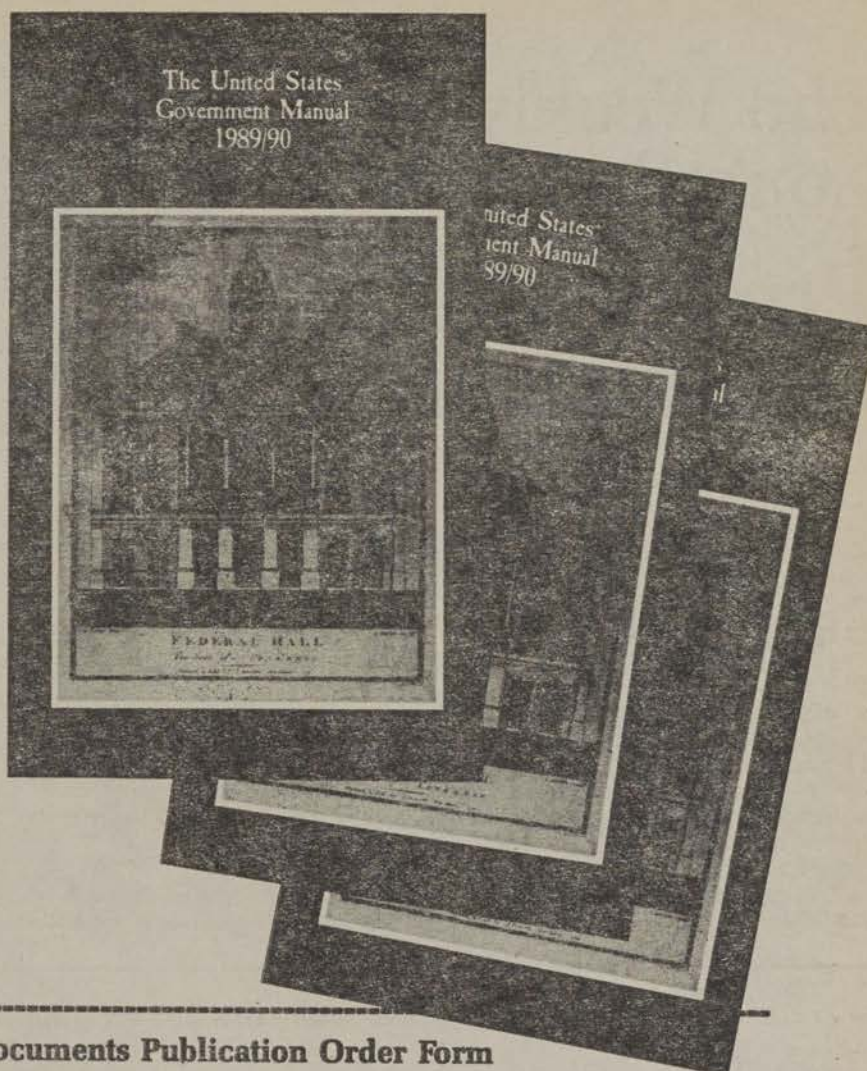
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